

STAFFORD COUNTY PLANNING COMMISSION

September 1, 2010

The meeting of the Stafford County Planning Commission of Wednesday, September 1, 2010, was called to order at 6:37 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Fields, Rhodes, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Smith, Stinnette, Baker, Zuraf, Stepowany and Bullington

DECLARATIONS OF DISQUALIFICATION

UNFINISHED BUSINESS

Mr. Howard: On the agenda tonight there are several things under Unfinished Business. The first is a Security Policy presentation by Public Works, and before we get into that, item number 2 is an executive session with legal advice on the Comprehensive Plan. And this is just a closed door meeting that was held with the Board of Supervisors and we've asked that the outside counsel who held that meeting come before the Planning Commission and basically hold the same meeting, the same information so both the Planning Commission and the Board of Supervisors are essentially hearing the same information firsthand, not secondhand. So, what I would do is defer to the Commission; I think it would be wiser to get the closed door session out of the way first because we're actually paying by the hour, the outside counsel. And to have him sit through our meeting I'm not sure is a good use of the County's money. So, I would entertain a motion to flip-flop item 1 with item 2 and then we would follow the remainder of the agenda as it stands in order.

Mr. Rhodes: I make a motion for said flip-flop.

Mr. Howard: Is there a second?

Mr. Fields: Is your motion...?

Mr. Rhodes: To move item 2a to 1.

Mr. Fields: Yeah, second.

Mr. Howard: Any discussion on that motion which would be moving item 2 ahead of item 1 on the agenda? Hearing none, I'll call for the vote. All those in favor say aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

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Mr. Hirons: Aye.

Mr. Howard: Aye. Okay, I would now ask that resolution to authorize a closed meeting be made. Whereas, the Planning Commission desires to consult with legal counsel and discuss in Closed Meeting legal advice regarding the proposed Comprehensive Plan; and Whereas, the Planning Commission desires to consult with legal counsel and discuss in Closed Meeting legal advice regarding adequate public facilities in the context of rezoning applications; and Whereas, pursuant to Section 2.2-3711 A.7, Virginia Code Ann., such discussions may occur in Closed Meeting; Now, Therefore, be it resolved that the Commission, on this 1st day of September, 2010, does hereby authorize discussions of the aforesaid matters in Closed Meeting. And I think we need a motion for that and then someone has to second that. Is there a motion for that resolution that I just read?

Mr. Rhodes: So moved for the resolution as stated.

Mr. Howard: Second?

Mrs. Hazard: Second.

Mr. Howard: Any discussion on that? Call for the vote. All those in favor of going to the closed door meeting to hear outside counsel's advice signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed? The motion carries 6 to 0. For those watching at home, we'll be back, I hope within thirty minutes. Thank you very much.

Executive Session - 6:41 p.m.

Mr. Mitchell arrived at 6:56 p.m.

Reconvened at 7:53 p.m.

Mr. Howard: Good evening. We are reconvening the Planning Commission meeting of September 1st, 2010. I apologize for the twenty minute delay, but we had more questions than we thought. At this point, we'll need a resolution to certify the actions of the Stafford County Planning Commission in a closed meeting on September 1st, 2010. Whereas, the Planning Commission has, on this the 1st day of September, 2010, adjourned into a closed meeting in accordance with a formal vote of the Commission and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, the Virginia Freedom of Information Act, as it became effective July 1st, 1989, provides for certification that such Closed Meeting was conducted in conformity with law; Now, Therefore, be it resolved that

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the Stafford County Planning Commission does hereby certify, on this the 1st day of September, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Commission. No member dissents from the aforesaid certification. And I would need a motion to advance that resolution to certify.

Mr. Rhodes: So moved as stated.

Mr. Howard: Is there a second?

Mr. Mitchell: Second.

Mr. Howard: Any discussion? Okay, hearing none I'll call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay. The motion carried 7-0. I apologize to the public that has been waiting. We'll go immediately and open up the public comments; we do not have any public hearings this evening. So we're at technically what would be the 7:30 p.m. public presentations. Anyone wishing to address the Planning Commission may do so by stepping forward. When you step up to the mic, the little green light will go on. If you can just tell us who you are and where you live, and you have three minutes. The yellow light comes on when there's about a minute left and when the red light starts to flash, that would indicate that we would appreciate you concluding your comments.

1. Security Policy Presentation by Public Works Director

Discussed after Public Presentations.

2. Amendments to the Comprehensive Plan (**Time Limit: October 20, 2010**) (**In Comp Plan Committee**)
 - a. Executive Session - Legal Advice, Comprehensive Plan
 - b. Presentation by Steve Hundley, Community Plans and Liaison Officer, Marine Corps Base Quantico
 - c. Continued Discussion by Staff

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Discussed after Public Presentations.

3. CUP2900195; Conditional Use Permit - Stafford Lakes Service Center - A request for a Conditional Use Permit to allow vehicle fuel sales in the B-2, Urban Commercial Zoning District as well as within the Highway Corridor (HC) Overlay District on Assessor's Parcel 44-75 consisting of 0.96 acres, located on the north side of Warrenton Road and the east side of Berea Church Road within the Falmouth Election District. **(Time Limit: September 14, 2010) (History - Deferred at June 16, 2010 Meeting to July 7, 2010, for meeting with Mr. Hirons, staff and the applicant) (Deferred at July 7, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010)**

Discussed after Public Presentations.

4. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) **(Time Limit: October 6, 2010) (Deferred at June 16, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010)**

Discussed after Public Presentations.

5. Reservoir Protection Overlay District **(Deferred to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010)**

Discussed after Public Presentations.

6. COM1000041; Comprehensive Plan Compliance Review - Telecom Tower - AT&T @ Mountain Avenue - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for a second telecommunication facility, located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road on Assessor's Parcel 54-45A within the George Washington Election District. **(Time Limit: October 17, 2010) (History - Deferred at August 18, 2010 Meeting to September 15, 2010)**
7. CUP1000042; Conditional Use Permit - Telecom Tower - AT&T @ Mountain Avenue - A request to amend an existing Conditional Use Permit, specifically condition #1 of Resolution R08-480, to allow a second 175-foot tall monopole telecommunication facility in an A-1, Agricultural Zoning District on Assessor's Parcel 54-45A. The property, consisting of 3.62 acres, is located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road, within the George Washington Election District. **(Time Limit: October 6, 2010 - Board of Supervisors Deadline) (History - Deferred at August 18, 2010 Meeting to September 15, 2010)**
8. COM1000010; Comprehensive Plan Compliance Review - Miracle Valley Lane Sanitary Sewer Extension - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of gravity sanitary sewer outside of the Urban Services Area a length of 505 linear feet to serve two residences, located on the north side of Deacon Road and east side of Grafton Village Elementary School on Assessor's Parcels 54-132, 54-133A and 54-133B within the Falmouth Election District. **(Time Limit: July 4, 2010) (History - Deferred at May 19, 2010)**

Meeting to June 2, 2010 Meeting) (Deferred at June 2, 2010 Meeting to October 6, 2010 Meeting)

NEW BUSINESS

None

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Fetterolf: Mr. Chairman, members of the Planning Commission, Dr. Dean Fetterolf. The 2008/9 Comprehensive Plan has undergone significant changes mandated by Virginia law and the political whim of some Supervisors. From your June 17th, 2010 version to as recently as Saturday morning's 8 a.m. joint meeting, significant changes have been put forth in the number of UDAs, housing types, their distributions and proffer guidelines. The Code of Virginia states that a hundred days prior to the adoption of a Comp Plan that it shall be submitted to VDOT for review. I'm confused why staff requested a review of amendments to an unadopted 2010 Plan that was submitted without the transportation element. Was this an informal "courtesy" review as explained to me by a VDOT Land Development Administrator? I believe citizens deserve a detailed VDOT review of the 2010 Comp plan in compliance with the Code of Virginia and VDOT's own administrative guidelines. VDOT is even paying \$225,000 for a consultant that won't be finished till next summer. I urge you to wait till they complete their work. Recent law changes justify seeking an extension of the adoption deadline of the Comp Plan. The outdated 2005 Transportation Plan states, and I quote, "the County's transportation system includes a predominance of narrow rural roads with sever physical constraints and is generally incompatible with evolving, I would add existing, land use patterns". VDOT, in their review letter, stated "there are no areas designated as rural area types in Stafford County". The Virginia Code says we only need 14, 992 new dwelling units and at least one UDA, so why are we even considering 58,614 dwelling units at build-out in eight UDAs? What are the costs? Who will pay? FAMPO's 2035 Plan lists over a hundred projects for Stafford totaling 302 miles of highways at a cost of \$1,970,137,000. Loudoun County's Transportation Plan lists twenty-four funding policies; Stafford's lists zero. One Supervisor published that developers will pay hundreds of millions of dollars in infrastructure which includes schools, parks, libraries, public safety, fire and rescue. In closing, this Plan is not ready for prime time. Stafford citizens deserve a Comprehensive Plan, not an inconsistent, incomplete or incomprehensible plan. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by steeping forward to the podium.

Mrs. Carlone: Ruth Carlone. I have changed my notes so many times because of especially Saturday and then last evening at Snellings' town hall meeting. So I'm going to give you just part of what's here. In VDOT's letter of 19 August, they state about the 225 I believe it was grant from the Secretary of Transportation to pay for a consultant and assist in the requirements of 15.2-2223.1 of the Code of Virginia relating to UDAs (Urban Developments). And the goal of it includes, and this is where the County has been remised, the UDA planning process includes a detailed public involvement strategy using a variety of innovative public participation techniques. So tell me, where is that? The goal for

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the County is to amend its Comprehensive Plan and Land Use Ordinance no later than September 2011. Now, I was told that that isn't enough time from the time VDOT reviews the Comprehensive Plan and the consultant, but most assuredly because of these changes, numerous changes, that the Board could request an extension to the State. Now there's so many issues here. Anyway, the most important thing to us is to have the UDA consultant be able to complete her work, otherwise you shouldn't even be sitting up there if it isn't done... I mean, before you all send forward a recommendation to the Board. I've just, like I said, made so many changes here but public participation is of the utmost concern. People don't have the foggiest idea of what's going on and one of the things that I find outrageous is that the 2008 was at 30,000 build-out and the most current, and I'm sure that's changed now, the 109,284 units have changed. I believe it has. You tell us; we don't know what's going on. Thank you.

Mr. Howard: Thank you.

Ms. Kurpiel: Good evening Mr. Chairman and members of the Board. My name is Patricia Kurpiel. Tonight I just want to ask you a question. And that is, how many times will the people who live on Widewater have to come out and tell you that they love their rural community? They have said no to development so many times that it's not even funny. And all of you all haven't been here for all of the times, so I just want to reiterate what they have done. In the 1990's, there was a water base plan by Dominion for high density on Widewater. And I don't know how many times those people had to come out and say no. The upshot of that development plan was the adoption by the County of the Widewater '94 Plan which, as I understand from many of the residents who still live out there, they feel was really forced on them. It was, in fact, more units than are allowed by-right. Well, the Widewater '94 Plan finally went away and about that time a developer, who owns a good part of Widewater, hired probably the best charrette presenter in the nation. And there were three or four charrettes held out there for the community on Widewater, and also many of us in the rest of the County that are interested in development. The conclusion that the developer took away from that was he didn't have any support. But he didn't stop there. He hired another high powered firm that told him the way to get this through was to actually convince the leadership in the community of it; forget the citizens. So, another six months that developer had many of us to lunch, explained his plan, not only community leaders but State leaders and regional people. And the message that he got back loud and clear is no. We do not want high density development on Widewater. And now, here we are again, and these folks do not even know what you're planning for them because you have called this the Stafford Station. That's confused with Stafford Town Station, a project in the middle of the County. Please, call this Widewater Station so these people know... at least know that they're going to have to come out again and tell you no. Thank you very much.

Mr. Howard: Thank you. Anyone else wishing to address the Commission may do so by stepping forward and stepping up to the podium. Seeing no one else advancing towards the podium, we will now close the public presentations and bring it back to the Planning Commission. And we switched the agenda so we will go right to the item 1 which is the Security Policy presentation by Public Works. Mr. Harvey?

1. Security Policy Presentation by Public Works Director

Mr. Harvey: Mr. Chairman, Commissioners, please recognize Keith Dayton for his presentation.

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Mr. Dayton: Mr. Chairman, members of the Commission, Keith Dayton with the Department of Public Works. One of the things that the Department of Public Works does is oversee developer securities. As I understand it, you have a proposed Ordinance up for your consideration and I was asked to provide a little background of some of the measures that the County has taken with regard to security policy. Prior to the Board of Supervisors adoption of a new Security Policy in 2009, the last Security Policy was adopted in 2000. What we found out was that law had changed and the Security Policy needed to be updated to comply with that law. We found out that, and this was also through experience, there were many policies... requirements in the policy that did not adequately protect Stafford County. Some of these included indefinite agreement terms which allowed Securities to go on forever and not be completed, no requirement to finish things up. We noticed that there were lack of security on certain site plan improvements, lack of a requirement for periodic cost updates so if you had a ten year old performance agreement you might still be subjected only to the protection that was in place at the time, no counting for inflation and that sort of thing. And finally it actually stipulated certain inefficient procedures that we took a look at and wanted to remove and update. There were many, many instances of vague language and often conflicting language in that old security policy as well and we wanted to clean that up. So we formed a group of County departments; we had County Administration, County Attorney, Public Works, Transportation was involved. And we got together and decided to take a look at this thing from the bottom up and completely overhaul it with the idea in mind to make it comply, number one, with current State law to provide adequate protection for Stafford County in many areas that we felt we were under-protected, and to make a more understandable document which would actually make it easier for the development community to comply. In areas of protection particularly, as I mentioned, we added security for certain water and sewer road improvements for site plans where none was in place before. We implemented a maximum term of five years for performance agreements; you had to be done within five years. We updated cost estimates. We required them for any extension so you had to bring in an engineer, re-evaluate the costs at the present time rather than the costs at the time you got your performance agreement first signed or your plans approved. We strengthened provisions related to maintenance securities wherever possible. And we also clearly stipulated that we would not include road and drainage improvements, any complete reduction in these securities, until the acceptance of the roadways by VDOT. Prior to that, securities were often released before the roads had been accepted by VDOT. For whatever reason, administrative, financial, these roads were never accepted, the security was gone and there was no way the County could come back and fix this issue. And we also included a specific provision for court action in cases of insufficient funds for completion where, if we didn't have enough in security, we could actually go back after the developer for additional funds. So, the Ordinance that you have in front of you for consideration primarily deals with a couple of housekeeping measures, bringing the terminology where it refers to the Director of Financial Services over to Public Works where it now currently resides. And there's also a reference in there pertaining to partial releases for shall be in accordance with the security policy. So these are, in our minds, relatively minor. This Ordinance stipulation used to take place in one paragraph. Now our Security Policy, there's three pages that deal with security reduction, so it's much, much more comprehensive now than it used to be. So, that's a little background of where we're at and the Ordinance, O10-39, that's in front of you and I will be happy to attempt to answer any questions.

Mr. Howard: Thank you. I understand there were some questions from the last meeting so I'll bring it back to the Commission and anyone wishing to ask a question? Ms. Kirkman?

Ms. Kirkman: Do we have a copy of this Ordinance in our packet for tonight?

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Mr. Howard: I believe it was in the prior package; it was not included in tonight's package.

Ms. Kirkman: It was not included?

Mr. Harvey: Yes, the Commission held a public hearing on it at your last meeting and recommended it forward to the Board and asked for Mr. Dayton to come back to provide some more clarification on some questions the Commission may have had.

Ms. Kirkman: Okay, thank you for that reminder. Mr. Dayton, I do have a couple of questions. The initial security... deposit... whatever the... is it a bond that the developer puts up?

Mr. Dayton: There can be a number of forms of a security that are acceptable. One of course is cash, one of course is a letter of credit, irrevocable letter of credit, and finally a surety bond is acceptable as well.

Ms. Kirkman: And how is the amount of that determined?

Mr. Dayton: It starts initially with an engineered cost estimate. And typically, in the past anyway, it's been provided on the document's site plan or subdivision plan. There's a very detailed cost estimate. There's a number of different staff that review this cost estimate to make sure that it is adequate for the purpose intended.

Ms. Kirkman: Does the County develop that cost estimate?

Mr. Dayton: No ma'am. Typically, we look for the developer or the developer's engineer to provide it initially; however, we have been moving across the board to work on a standardized unit cost for various activities. It's hard to capture everything; that would be very complex. But we're certainly looking at getting your typical units priced per ton of asphalt, for instance, and have that published. We're not all the way there yet but that's what we're working towards.

Ms. Kirkman: So, does the... I don't recall the Ordinance doing anything to trans... because right now you're saying it's the fox that's deciding how much the cost of the chicken coop is going to be.

Mr. Dayton: That's not exactly correct. They do that initially but it's up to staff to review it and approve it. And we are scrutinizing cost estimates very closely.

Ms. Kirkman: Because I'm trying to understand that there are several subdivisions in the district I represent, Griffis-Widewater, where we've had roads that were not accepted into VDOT and not because of administrative or financial reasons but simply because they were not constructed to VDOT standards. And when we've gone to look at the securities to finish those roads, there hasn't been enough money there. How did we get into that situation?

Mr. Dayton: Well, from all of the things that I mentioned earlier, and that is of course why we have not only toughened our security policy in accordance with State law, but made it much more... we're paying a lot more attention to it, but also internal administrative procedures to prevent those sort of things from happening again.

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Ms. Kirkman: But what, under the policy that just went forward, how will it happen now. So, for instance, I think it's Kimberwick Lane, I think you're familiar with that whole situation up there, where there was enough money to do part of the roads but not all of the roads after the developer left without constructing them to VDOT standards. What, under this new Security Policy, is going to prevent that from happening?

Mr. Dayton: Well, specifically, the yearly cost estimate updates requirement in the past, that security could be easily five years old and it was. There had never been an update to the estimate. Costs had escalated considerably over that period of time, and then at the end of the period when the County needed to draw, there was insufficient funds. The other thing that has happened and happened in this case was there was too much money released for the state of the construction at the time. And we have worked internally to prevent that from happening.

Mr. Howard: So, Mr. Dayton, I think what Ms. Kirkman is asking, so what's different about your methodology? So, given your last statement, is that change in the Ordinance so as you go through the project you would be refunded X amount should you reach a certain percentage of completion or is there a change to that so you're putting more money up front but actually the County would start releasing it once a percentage or a portion is completed to VDOT's standards? And how are you checking it to VDOT... who's checking it to VDOT standards I guess is what I think Ms. Kirkman is asking.

Mr. Dayton: Well, the reality of that process...

Mr. Howard: In this Ordinance; not what you do, but in the Ordinance before us. How is that being captured and how is that written in the Ordinance?

Mr. Dayton: Well, it's not in the Ordinance sir. It's in the Security Policy which is referred by the Ordinance to the Security Policy. And so there is procedures and practices, as I said, three pages of them that regulate how we handle reductions in security. But, quite frankly, it's staff, it's focus, it's priority, all of these are very well recognized now and there is a much greater focus on level of security now than there was five and ten years ago. There are staff dedicated to monitoring reductions at a much, much closer level now than there was in the past. In the past, quite frankly, we relied on engineers' estimates and if they said it was ninety percent done, more than likely ninety percent of the money would be returned. And if it turned out that it was eighty percent done or it turned out that nothing happened after this money was released, things went on for five years and it changed, conditions changed, it was gone; you couldn't get it back. So, really that's where the protection lies is in the understanding and focus and priority of County staff in monitoring this.

Ms. Kirkman: Mr. Chair, if I could...? So, going back to the Kimberwick Lane situation, you said too much money was released. How did that happen and how will that be different as a result of the Ordinance?

Mr. Dayton: Well, as a difference as a result of the Security Policy, which the Ordinance refers to, will be that we will again require periodic updates so they'll have to come in every single year and give us a new estimate to reflect any changes in cost which is one of the big things. But the five year limit has an enormous effect on that, in the past, we're cleaning up things that are ten and twelve years old.

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Ms. Kirkman: But... excuse me. Could you tell me specifically on the Kimberwick Lane situation that resulted in too much money being released so it was older than five years? It was that staff was not requesting yearly updates? What happened there?

Mr. Dayton: It was all of those things ma'am. And, not only that, there was an engineer's estimate that said it was a hundred percent complete. So it was released to ninety percent.

Ms. Kirkman: But there were three roads that weren't accepted by VDOT.

Mr. Dayton: They're all in the same condition ma'am.

Mr. Howard: Well, as a follow-up for my own information, in the Ordinance, with a new Ordinance you're asking us to work through and approve, how does the VDOT standard get applied within the Ordinance? So, at what point does either VDOT get involved or somebody from the County who is intimately familiar with VDOT standards would go out and verify before a complete refund?

Mr. Dayton: In the practical world, VDOT does not get involved until they are called to perform a final inspection. That's how it gets done. They'll come by and they'll do drive-by inspections but they're not really looking at the quality of the work. What the developer is required to do though is to have a third-party engineer onsite monitoring compaction, sub-grade compactions, depth of sub-base, asphalt thicknesses, all of those things. So, the developer provides a third-party engineer who does the analysis in the inspections and prepares a report and provides it to VDOT. Then, when things proceed normally, the developer, or the developer's contractor, requests an inspection, VDOT goes out and does a very detailed thorough walk-through inspection, reviews the project literature; that's when VDOT gets involved...

Mr. Howard: Okay, but prior to VDOT doing that, is the money released if the third-party engineer has sort of signed off on this?

Mr. Dayton: Not now.

Mr. Howard: Not now, okay. So that's one difference.

Mr. Dayton: That's one difference. So, until we see VDOT involvement then we will withhold about... well, it will vary but around seventy-five percent rather than the ninety percent. So if we are told that the work is a hundred percent complete, and, generally speaking, you would say it was a hundred percent complete if you proceed immediately. Well, VDOT always finds things that aren't right; they always do. So there's always punch list items. So we essentially say until you have VDOT's involvement, and VDOT is telling us that it's a hundred percent complete, which they will, then you're not a hundred percent complete. You can't be more than seventy-five percent complete or even less if we have determined that our opinion is the work is less than that, than seventy-five percent, typically.

Mr. Howard: So Stafford will have an onsite inspection before VDOT.

Mr. Dayton: That's correct.

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Mr. Howard: And the seventy-five percent is what we're holding or what we're returning and we're keeping the twenty-five percent?

Mr. Dayton: We'll keep the twenty-five percent.

Mr. Howard: Okay. And that's different than what we've done in the past?

Mr. Dayton: In the past we've relied solely on an estimate coming in; somebody looks at it from their desk and then it proceeded that way. And we've been changing that for a number of years, three years, since I started. So, we've actually been putting people on the ground to go see for ourselves but, at the same time, we're also working to clean up many of the subdivisions that were left uncompleted.

Mr. Howard: Right. Mr. Dayton, is there a county that we modeled this after? So, is there another county that we looked at or more than one jurisdiction to understand how they do it? Because I have to believe this is a common occurrence in the Commonwealth.

Mr. Dayton: No sir, we didn't go around and poll. There are a number of staff that had experience in this. We just... my take on it is we needed someone to pull together a cohesive management approach where we were all working together and that's been the big change. So we do have somebody in Transportation, we do have somebody in Utilities, we have somebody in Erosion and Sediment Control and Stormwater. We actually meet now every two weeks and we go over these things. This wasn't done in the past. So, staff has elevated our approach to this even beyond what's stipulated in the policy. And it's all going to come down to, quite honestly, staff has to administer this policy, and if that's not being done then things will slip through the cracks.

Mr. Howard: Alright, any other questions? Mrs. Hazard?

Mrs. Hazard: I guess just going along with that it sounds like now the communication within has improved, is one of the main improvements here in the whole process with the Security Policy. I guess my just comment really would be is since it seems like you all are meeting on a regular basis that on some kind of periodic basis there be a review to see, you know, have we done it right under the new policy; just some kind of monitoring of how it goes. And I'm sure that you all intend to meet that way. I would just want to throw that out as that's the best way we too know whether it's working and where it needs to be tweaked from your perspective. And I think how we modeled that Ordinance was we referred to the policy in general so you can modify it without always coming back in. But I would just want to say I hope there's some monitoring among you all as you go along saying this worked or wow, seventy-five percent's not the number we want. So, that's just really a comment. I appreciate it.

Mr. Dayton: Yes ma'am. I will mention, we did do a very recent analysis and took a look at our performance over the past year. And what we found out was that we had reduced the number of performance agreements by fifteen percent, which some might say that's not all that great, but it is because every one of them took a lot of work to prompt people in this economic climate to go out and finish what they started. We have, just on the September 21st Board agenda, we have four different subdivision streets that are being accepted into the State's system. Every one of them was a product of the work of this group.

Mr. Howard: Ms. Kirkman?

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Ms. Kirkman: Yes. I appreciate your work to improve the staff effort on this but some questions still remain for me and it has to do with these percentages. My understanding is that the security that's put up is not equal to a hundred percent of the cost of the construction of the improvements. Is that correct? It's based on a percentage.

Mr. Dayton: No ma'am. I think that was true if you go back a number of years. But one of the things that we did was we adjusted our unit prices to accurately reflect the cost of doing the work. In the past there was very little scrutiny. So, we're starting out really with an honest, a hundred percent, value number and then on top of that there's a ten percent for administrative and that sort of thing.

Ms. Kirkman: I'm not speaking to the integrity of the estimate process. My understanding is that the General Assembly has set in law what percentage of the cost of the improvements can be required for the security. Is that correct?

Mr. Dayton: No, it's a hundred and ten percent. That's what they've said. It used to be a hundred and twenty-five percent...

Ms. Kirkman: That's what they reduced, is a hundred and ten?

Mr. Dayton: Yes ma'am. So we lost fifteen percent which I'll say was extraordinarily valuable to have that, because we are working in conditions, market conditions, that are in flux, inflation... it is so hard to keep up with and make sure we've got it exact. I think our Board recognizes the difficulties that we face and I think they're, I can't speak for the Board, but I've heard some comments that it's a very fine line between a hundred and a hundred and ten percent because there's so many variables that are included in that.

Ms. Kirkman: And then in your process you talked about the staff and the various agencies that you brought together. Did you seek input from any of the developers about the policy?

Mr. Dayton: No ma'am.

Ms. Kirkman: And, lastly, did you give consideration to saying that before... does it state not in the policy but in the Ordinance that the security will not be released until VDOT has accepted the road?

Mr. Dayton: It states in the policy ma'am.

Ms. Kirkman: But not in the Ordinance itself?

Mr. Dayton: By reference which the Ordinance refers to the Security Policy, it does in the Ordinance as well.

Ms. Kirkman: And then I just wanted to clarify it was stated that things are in the policy so that they can be modified without having to go through a process, but I thought we were informed that in fact the Board has to approve the policy. Is that correct?

Mr. Dayton: We brought the policy to the Board and they approved it. So, yes ma'am.

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Ms. Kirkman: So, so is it a legal requirement that it go before the Board or can changes to the policy be made without it going before the Board? I'm just trying to get clarification.

Mr. Dayton: I'll defer to the attorney...

Mr. Smith: I guess I'm unclear whether it's before this change is made or after, if assuming the Board would adopt this.

Ms. Kirkman: If the policy... if the legislation we forwarded to the Board is adopted by the Board, will changes in the policy have to go before the Board to be approved?

Mr. Smith: I discussed this with the County Attorney and yes, I think that it would have to go to a public hearing. It would be considered an amendment to the Subdivision Ordinance...

Ms. Kirkman: Because it was incorporated by reference.

Mr. Smith: Correct.

Ms. Kirkman: Okay, thank you. And I do appreciate staff's efforts to try and tighten up on this. We've had some really difficult situations, as you know, in Griffis-Widewater. So, I appreciate the effort.

Mr. Dayton: Thank you.

Mr. Howard: Mr. Dayton, the additional amount being held back... I just want to make sure I understand this... you're saying that we would hold twenty-five percent back until VDOT has completely signed and certified that they've accepted that road into their network.

Mr. Dayton: That's a staff administrative policy, yes sir.

Mr. Howard: Okay. And before, it was ten percent or it was around ten percent?

Mr. Dayton: Well, as always, staff reviews the reduction and there's some discretion on the part of staff. If you go back and look at the records, quite often, way more often than not, if a request came in that said it was a hundred percent complete even though VDOT had not taken a look at it, we would release ninety percent of the security.

Mr. Howard: Okay. So you're making up some of the fifteen percent loss with this Ordinance and with your new policy because you're going to twenty-five percent from ten.

Mr. Dayton: Well, it may work out that way but I choose not to characterize it as such.

Mr. Howard: Right. Okay.

Ms. Kirkman: So, I just want to clarify... so security monies will or will not be released, any portion of them, prior to VDOT acceptance.

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Mr. Dayton: Well, I'll clarify that. Absolutely we will release some security prior to VDOT acceptance.

Mr. Howard: What's different is they're holding back twenty-five percent until VDOT accepts that road into their network; where, in the past, it could have been about ten percent and may have been less. And they may have refunded the entire amount before the VDOT acceptance, is that right?

Mr. Dayton: Just to be absolutely clear, the administrative approach to this is that if there has been no VDOT involvement in inspecting and reviewing these roads, seventy-five percent, roughly, is the maximum we will release. Once we've had VDOT involvement and we've had input back from the VDOT representative as to the condition of the road and its readiness for acceptance into the State system, then we would look for the documents to be prepared to go to the Board to petition VDOT to accept it. The next step that happens is they have to post administrative fees and bonds for a one year period. That's the point at which we would reduce it to ten percent and then, once the roads are accepted into VDOT's system, we would release all of the security.

Ms. Kirkman: Well, my concern there is how did you come up with seventy-five percent because the times when the County had to step up and use taxpayer dollars to finish development infrastructure, the cost has usually been a lot. So, how did you come up with the seventy-five percent as the amount, the maximum amount?

Mr. Dayton: The seventy-five percent amount will provide ample security for the County because the difference is VDOT has reviewed the materials, provided a punch list, given us input on the condition of the roads and readiness for acceptance. That's essentially telling us it's actually a hundred percent complete, but we're only releasing seventy-five percent of the money.

Ms. Kirkman: Okay, thank you.

Mr. Dayton: That's the difference.

Ms. Kirkman: Got it. Thank you.

Mr. Howard: Any other questions? Thank you Mr. Dayton.

Mr. Dayton: You're welcome.

Mr. Howard: Mr. Harvey, there was a time limit on this, as I recall, of August 31st. Is there... we certainly have gone past that.

Mr. Harvey: Mr. Chairman, the Commission...

Mr. Howard: You sent it forward, okay. You just wanted staff to come back?

Mr. Harvey: Yes.

Mr. Howard: Got it.

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Ms. Kirkman: I believe, Mr. Chair, the question was whether or not, if I recall the process correctly, I believe we sent it forward because of the timeline but we had Mr. Dayton to come before us in case we wanted to make any additional recommendations to the Board which is why I was asking about the percentages.

Mr. Howard: Thank you. Okay. Under item 2 I know we've completed (a), then under there we have item (b) which is presentation by Steve Hundley, Community Plans Liaison Officer, Marine Corps.

2. ***Amendments to the Comprehensive Plan (Time Limit: October 20, 2010) (In Comp Plan Committee)***
 - a. *Executive Session - Legal Advice, Comprehensive Plan*
 - b. *Presentation by Steve Hundley, Community Plans and Liaison Officer, Marine Corps Base Quantico*

Mr. Hundley: Good evening Mr. Chairman, members of the Commission. I'm Steve Hundley, Community Plans and Liaison Officer for Marine Corps Base Quantico and on behalf of the Base Commander, Colonel Choike, and myself, I thank you for this opportunity to review and comment on the proposed Comp Plan as it relates to Marine Corps Base Quantico. The Base Commander submitted a letter dated August 9th, 2010, to the Chair of the Board of Supervisors and it has our review comments. I will be referencing that letter. Does everyone have a copy of that? I have extra copies if you do not. Okay. So, I'd like to briefly go through the points made in the letter and answer any questions you may have regarding it. Paragraph 2 of the Commander's letter regarding Foundations of the Future chapter, we concur with Objective 4.8 which includes policies on minimizing the noise impacts, vibration impacts, and potential safety hazards generated by the Marine Corps Base. We would like to ask the County to consider strengthening Policy 4.8.4 by adding a requirement for a noise disclosure document for potential purchasers or leasers of real property within the Overlay District. And I understand that this probably is going to require State legislation, but I think that's something that would be worthwhile working toward for not only Quantico but all the other Military bases in the state. And we would appreciate any support that the County could give us going in that direction. We also concur with, in paragraph 3, we concur with the Land Use Plan chapter, Section 3.3.1, Growth Management and Urban Services Area. We understand the need for Stafford to extend its sanitary sewer line out to some areas in the northwest corner of the County, which is very close to a lot of our training ranges, due to failing septic systems, and we understand that. We note in that that you... it's to be serving existing residents and that the area is not intended for future higher intensity development. This is also in the Military Impact Zones as well. Paragraph 4, we agree with Section 3.4, Military Facilities Impact, because it discusses a realistic air and ground combat exercises and explosive ordnance demolition training that goes on on the base and how that can impact people in that area and is reasonable to have lower density residential within that area. And the map at Figure 3.5 makes clear the area that's involved in this. And it also emphasizes that incompatible land use endangers the training mission of the base. Paragraph 5 deals with the Urban Development Areas and states that Urban Development Areas are desired where appropriate. It brings back traditional neighborhood design, mixed use development and will create more livable pedestrian-friendly communities and reduce reliance on the automobile. And in general from a planning standpoint, I think that's a good thing for the community. Hopefully it will help reduce some of the traffic on I-95 in the future and that would be a good thing for the base as well. Where we have concerns is with the Urban Development Area at Boswell's Corner. That area, the center of Boswell's Corner, is about two and a quarter miles from the center of Charlie Demolition Range. There were 720 detonations in calendar year 2009; some of them are very large to smaller detonations, but they do

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have an impact. It's also within five miles of Murphy Demolition Range which has artillery fire. This area is likely to experience high energy impulsive sound from demolition events and artillery, and that create high levels of peak event short duration noise and vibration. And there have been a number of studies to include in our own Range Compatible Use Zone document that was completed a couple years ago that demonstrate that a percentage of residents within close proximity to those types of ranges will be annoyed and will complain, either because they are concerned about damage to the structure to their house or the fear of their children or their pets may have or themselves. And they will express that concern by complaining to the County Administration, as well as to the Marine Corps Base. And over a period of time that has been shown to shut down training areas at different bases around the country. Just recently A.P. Hill was impacted by that; just the concern about extra detonation training coming to A.P. Hill. Oceana Air Base at Virginia Beach was nearly shut down during the BRAC process because of that encroachment. And so this is a real concern for bases all around the country and it's a concern for us as well. And also, Boswell's Corner is located in that same Military Facilities Impact Area that's identified earlier on in the Comprehensive Plan so it's not quite consistent with that part of the Plan. So, that Urban Development Area was calling for about 1,100 more residential units within that area and we believe, at the Base, the Commander believes it would be preferable if there were no new residential developed in that area. We endorse the original Redevelopment Plan for Boswell's Corner that mentioned existing residential only and also with a mix of office, hotel and retail uses and would again prefer to have noise disclosure documents important for any perspective property owners, as well as building code noise mitigation measures in those buildings. This is a map that shows the proximity of Boswell's Corner to the demolition zone. The bright red line shows approximately two and a half miles to the area that is on both sides of Route 1 just south of Russell Road. And it also shows the five mile limit. Our RCUZ, the Range Compatible Use Zone, talks about those studies and gives percentages for different decibels of short duration noise coming from a range and given approximation of how many people might complain regarding that. Anyway, I cannot overstate the importance of all these range areas; all of them are used. And, like I said, there were 720 detonations last year at Charlie, but also at all the other ranges. And Quantico is the only base where Marine Corps Officers are trained, Junior Officers are trained, and they must have that realistic training in order to survive and succeed on the battlefield. And, again, thank you for considering our concerns and I will be happy to answer any questions you may have.

Mr. Fields: Yes, Mr. Chairman?

Mr. Howard: Yes Mr. Fields.

Mr. Fields: I certainly understand your concerns. I guess our concern is that, again, it's a balance of uses. When the Marine Corps was making this consideration... I mean, realistically it's fairly logical to assume that there were two, for the near term future, certainly ten years where the UDA timeframe is, even twenty years for the Comp Plan, that the major generators of new employment in Stafford will be the Marine Corps and probably areas around the Courthouse here and government and the medical facilities generated by the hospital. That's primarily it for substantial new career high-paying family sustaining jobs and in new urbanism, the key, more than anything, is to put people next to jobs. So, if we have two areas where there's likely to be jobs where there's only two opportunities in the County to collocate people and jobs in an urban way, unlike a suburban way where you have to travel overcrowded highways to get to work, I mean, was that factor considered? I understand if you're considering your mission, I certainly respect that. I would also say that... you know, I mean, I'm wondering if there isn't some sort of common ground of consensus because our mission is to try to not have people driving to jobs elsewhere or to live as close as possible to jobs. So if we've taken one of

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those two out, it makes our job of achieving any kind of goal like that almost impossible. Has that been a factor in your deliberation?

Mr. Hundley: Yes. We discussed that and we understand that. And I'm a proponent of new urbanism and I hate to tell somebody that yeah, build all these offices and retail but don't put any residential there; everybody will have to drive to it. But when you weigh the two and you weigh the importance that that demolition range and all the demolition ranges are to our training, there really is no other place to move those ranges. Now, they study this all the time at range management. Can these types of artillery fire and demolition activity go on at some other range or can we actually build another range. Of course, when you do that it's pushing it closer to someone that hasn't been impacted as much before and just the idea of it scares people. So, it's pushing it more towards Prince William County or Fauquier County. So, you know, the amount of training that goes on, you just cannot shut that range down and continue carrying out the function of training the Officers. And that is too high a risk we feel to have more residential development that close. Right now you've got some houses that are actually closer than that, that area where you're extending the, or want to extend the sanitary sewer system. And I don't know whether you hear complaints from them but they surely get impact from those ranges.

Mr. Fields: Well, so you consider in the pattern of complaints and how this has worked before, if you're still endorsing all of the other development in the area... I mean, if you work eight hours a day, there you're going to be impacted by the same noise impacts.

Mr. Hundley: Sure.

Mr. Fields: Is that considered an acceptable because people don't have to work...? I mean, what is the difference in distinguishing whether it's safe and reasonable for people to work and do business in that zone bombarded by the same noise impacts that you say make it untenable for people to live there? How does the distinction between those two mate?

Mr. Hundley: Well, I guess if we had a preference we would make a recommendation that nothing be built there, but that seems unreasonable. A lot of the office workers in that area undoubtedly are going to be contractors to the Military or actually some of our own Military Officers are going to be there within that Boswell's Corner such as the Quantico Office Park. To me, the complaints that we get are from residents of the County, not from people working in an office building or in a retail shop at Garrisonville or anything like that. Plus, people do get concerned that these kind of short range impacts that rattle the dishes in the cabinet are doing damage to their house and I would be concerned about that too. So when they hear a noise like that, they go outside and they see a crack in their foundation and say oh my God, they're making my house fall down when it's probably a settling crack that would come in any house. But, nevertheless, the concern is there for these residents and I think that's the way we came down on the side of well we're not going to ask them not to build anything there. But residential is where our complaints come from.

Mr. Fields: Alright, thank you.

Mr. Howard: Thank you. Any other questions for Mr. Hundley? Mr. Hirons?

Mr. Hirons: Is there... has there been or is there anticipated any growth of use of those ranges? In particular, as the Marine Corps mission sort of changes and/or other affects of BRAC. I know the

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primary use of those ranges are to train the Second Lieutenants but are there any other ranges regionally that are being shut down and operations are being moved there by any chance? And you mentioned one metric, I think you said seven hundred and some detonations over the last year?

Mr. Hundley: That was in 2009.

Mr. Hirons: What about previous years?

Mr. Hundley: It was slightly less in 2008; it was in the range of six hundred and some so it went up. I was just at a meeting this past week at Range Control where the FBI is considering trying to find another location on the base to do some of their EOD, where they both train their agents and also they are responsible for bringing suspect packages when they find one; the whole Washington, DC region, they bring it to Charlie Demolition Range to blow it up and so do the Secret Service. I don't know how often that happens and that could be of any size.

Mr. Hirons: Okay. How about the impact zones; are they affected by types of weapons and especially as weapons get more sophisticated and larger? In particular, one thing I'm thinking about is the Joint Strike-Fighter. I understand it's significantly louder than the typical operational aircraft of the Marine Corps now. Will something like that coming on line, being utilized in these ranges, affect the impact zone and you guys request us to widen that or make that impact zone larger?

Mr. Hundley: I have no knowledge of that occurring. I mean, I don't think they use that airframe to deliver on Quantico.

Mr. Hirons: Soon enough.

Mr. Hundley: So, I think they have an upper limit that they're sticking to or going to go lower than for their air drop munitions.

Mr. Hirons: Okay, great. Thank you.

Mr. Howard: Any other questions for Mr. Hundley? Yes, Ms. Kirkman?

Ms. Kirkman: I have a couple. As you know, our attorney advised that we could not require noise disclosures. We even inquired about whether or not it could be done voluntarily through proffers or imposed and we're again told not so. But we were advised that there might be a way to enact an amendment to our Subdivision Ordinance that would require a note on the plat regarding the location of the subdivision within the Impact Overlay Zone. Would Quantico support that as a recommendation to be a part of the Comprehensive Plan? So, if someone... what that would mean I think practically is that if someone were to go through the work of looking up the plat, they would be able to see at least there would be a note.

Mr. Hundley: I think I would recommend that to the Base Commander that we would recommend that as one step towards that. But I'm a planner and I've never looked for a subdivision plat before I bought a house so I don't know how that happens.

Ms. Kirkman: Would that carry over to the individual plat of when the... you know, like when they do a title search?

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Mr. Smith: I can't speak for a hypothetical attorney doing a title search but it certainly puts it in the chain of title. If they look all the way back to the subdivision plat it will be there.

Ms. Kirkman: And then I was hoping you could explain something to me that I have yet to hear a satisfactory answer for, which is I live out in the Brooke area which does not show up near Brooke VRE Station, does not show up in any of the zones, and yet there are days when the windows in my house are shaking and I call the Sheriff's Office to find out if anybody has a blasting permit and they say no. And then after that I call the Information Office up at Quantico whose number I have... I still have a rolodex... and whose number I have there and they explained to me, yes, we're doing it. Why is it that my house shakes from things that are going on in Quantico and I don't show up in any of these zones?

Mr. Hundley: We get complaints all the way from Fairfax and all the way down into south of Fredericksburg and all the way out into... way out in Fauquier County.

Ms. Kirkman: And you can relate those to detonations that are going on on base, they're not just...

Mr. Hundley: I believe so. And the noise is a very strange thing. It's a factor of the atmosphere, it's the factor of terrain...

Ms. Kirkman: But this is vibration, it's not noise.

Mr. Hundley: I know. Well the noise creates that... can create that vibration. That's the sudden peak noise that I was talking about. It's like when you hear the crack of a rifle; there's a split second that it's at its very loudest and that type of noise can create vibrations that will rattle your house and rattle the picture frames hanging on the wall. And I have some more slides here that I wasn't sure to go through because it didn't specifically relate. But since you brought up the question of that, I'd like to show them. It's related to how the base...

Mr. Harvey: Computer please.

Ms. Kirkman: And I raise it as a practical consideration because my concern is that the studies are somehow not measuring some impact that in fact I know is experienced. And you have just confirmed you get a number of complaints outside of the zones that are identified.

Mr. Hundley: Well, in the Range Compatible Use Study, they show three zones for each of the ranges. There's Zone 3 which is the highest noise amount and you can see a footprint on the map that shows that and that's greater than seventy decibels. And then Zone 2 is up to I think it's between sixty and seventy decibels. And then Zone 1 is everything else, including that one, three and five mile range that we show where peak noise is measured. But, in reality, it can go as far as it wants to go and as far as the atmosphere and the terrain will let it go.

Ms. Kirkman: Okay.

Mr. Hundley: But the Base Commander wanted me to present this tonight, as a matter of fact, and it's how we try to notify and keep the public informed about training events on Quantico that might result in noise so that you're not startled when you hear it. Or if you are startled when you hear it, you can go somewhere and find out whether it was indeed an impact from Base. And the way the noise

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advisory procedures work, they receive... our Public Affairs Office receives information on Quantico's Range Management Branch, receives the information weekly about which one of the ranges are going to be used and some information about the type of activity, whether it's artillery fire, whether it's machine gun fire or whether detonating some kind of munition. And then a prepare a noise advisory for release which they email or fax to the Regional Law Enforcement Agencies, to the Board of Supervisors in all three counties, Public Information Officials, and to the media which is radio stations and the newspapers and so forth. It's also posted on our website, Quantico.USMC.mil, and apparently they put it on Facebook. I've never seen it there but I'll have to go look for that. But you can have it placed on Facebook so you'll get an automatic update when they're having some type of range activity. And this is a map that shows the noise complaints in 2010 so far. I think there's been somewhere in the neighborhood of sixty. But you see how far they go, the red dots. There's one up there in Loudoun County, several in Fairfax, it looks like there's one person there in Fauquier County that's really active, we've got four complaints from that person, and some in Stafford. But that's this year. And some years there are more than others.

Ms. Kirkman: And those are just complaints. Those don't include inquiries, because I call up, I ask what's going on. That would not get included in this count.

Mr. Hundley: I'm not sure; I would have to go back to the PAO and ask. I can find that out for you.

Ms. Kirkman: Thank you.

Mr. Hirons: And do these represent complaints that are directly attributed to activities on the ranges or just...

Mr. Hundley: I understand sometimes not; sometimes they say nothing was going on base and it may have been something from the rock quarry or for some other reason.

Mr. Howard: Great, thank you. Any other questions? Well, we appreciate your time. Thanks for waiting; I know we were a little delayed with the meeting.

Mr. Hundley: No problem; thank you.

Mr. Howard: Always appreciate the Marines coming down and talking to us. Thank you. And then item (c), Mr. Harvey, is the continued discussion by staff.

c. Continued Discussion by Staff

Mr. Harvey: Yes Mr. Chairman, Mr. Zuraf will run the Commission through the memorandum from our mail-out to answer the previous questions the Commission had. Also he will be prepared to discuss some of the activities of the Joint Committee meeting that occurred on Saturday and he'll probably also draw your attention to a number of the handouts.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. I would like to start out with what actions were as a result of the Joint Board of Supervisors/Planning Commission Committee meeting that met this past Saturday; just so everybody's aware of what happened there. And, as Jeff mentioned, we have several additional handouts that are at your desk tonight that kind of support some of that information. I guess the first

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thing that was addressed at the Committee meeting was discussion of the comments from Quantico and the letter that was reviewed tonight. And results of what the Committee decided based on the letter was to recommend going back to the original language in Policy 4.8.4 regarding the noise notification and to go back to the original language to require that. It was stated it was understood that the legal authority may not be there now but it doesn't hurt to have it in the Plan and if the authority is there then the County would pursue further implementation in the future.

Mr. Howard: Mr. Zuraf, is there a document you are actually reading?

Mr. Zuraf: No I'm not; I'm just going off some notes right now. And then I'll tell you when I'm going to back to the memo.

Mr. Howard: Perfect, thank you.

Mr. Zuraf: Sorry. The second item is regarding Boswell's Corner. The Joint Committee did recommend removal of the Urban Development Area designation from the Boswell's Corner area. And in doing so the land use then would change to business and industry in that location. And I'll get into more of the Land Use Map changes as we go along. And those were the only issues that were addressed regarding the Quantico comments. The second issue was review of the comments provided by VDOT. You have received before you the comments from VDOT on the Comprehensive Plan. The date of that letter is August 20th, 2010, addressed to Mr. Harvey. In response to the comments provided by VDOT, the Committee directed staff to work in clarifying the text regarding the comments provided. Within the letter there were comments that VDOT have certain secondary street requirement areas and that Stafford County is designated as suburban. And through this Plan revision and through the designation of Urban Development Areas, those Urban Development Areas would follow along with the urban secondary street requirement areas. And the rest of the County being the suburban areas and rural areas would fall under the suburban secondary street requirement areas. The VDOT comments suggest that the land use areas designations be rewritten and redesignated, but the Committee didn't want to go to that extent. They more so wanted, within the text of the document, to explain how the land use areas correspond with the different secondary street requirement areas as noted in the VDOT letter. And then there were several comments on mapping issues with the designation of certain streets and some of the plan projects that we might have missed, and so they kind of gave us some feedback on that and which projects we missed. And we're going to go ahead and make those corrections within the document. And the next item was dealing with the Urban Development Areas, and I guess, specifically, first the Land Use Map. As I noted, the Boswell's Corner Urban Development Area was removed. Along with that there were some other amendments that were proposed to the Land Use Map in relation to the Urban Development Areas. You've received tonight the latest draft of the Land Use Map which was reviewed and generally accepted by the Committee at the meeting. Those changes, in addition to the Boswell's Corner change, there were amendments that occurred to the Stafford Station Urban Development Area. That Urban Development Area was reduced slightly; the land to the east between the CSX Railroad track and the Potomac River was revised from Urban Development Area to park. And that was the one change in that area. The other change was to the Eskimo Hill Urban Development Area. In that area the Urban Development Area was reduced in size. The area basically in the proximity of the power line easement and to the east in the direction of the landfill was revised from Urban Development Area to park. And then the area between Interstate 95 and Route 1 was revised from Urban Development Area to business and industry. Those were the changes in that one. The other changes involve the George Washington Village Urban Development Area. That was reduced in size as well. Those changes included basically

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the Urban Development Area was kind of reigned in from its previous extents which included basically removing the Urban Development Area a quarter mile west of 95. So basically you would have a quarter mile west of 95 there would be a strip of business and industry before you got to the Urban Development Area. And then the areas basically 500 feet south of Courthouse Road, that area went to suburban, when it was previously Urban Development Area. And then 500 feet north of Ramoth Church Road went from Urban Development Area to business and industry. And then the other change was to the Centerport Urban Development Area that the extent there was the areas closest to the airport were changed to business and industry, and then the southern most extent of the Urban Development Area was down to Enon Road as opposed to near Truslow before. And then again you have a quarter mile strip of business and industry along Interstate 95; so that, again, that one was kind of reigned in in size. So, those are the changes to the map and you have those in front of you. Also, there is a chart that was provided that reflects the revised acreage in each Urban Development Area. It's a chart that has two tables next to each other, one that has the previous and then the alternative proposal. In addition to making these map amendments there were adjustments to the breakout of dwelling unit types. Generally the unit types went more to the direction of single-family detached from multi-family and townhomes. You also do have a chart that identifies the new breakout of dwelling unit types in each area. Part of it was reallocating the Boswell's Corner units and basically what was done was in Stafford Station, George Washington Village and Centerport Urban Development Areas, the multi-family units were reduced down to, I'm sorry I don't have the chart right in front of me but I think that was reduced down... excuse me. Those units, the multi-family units in Stafford Station, George Washington Village and Centerport were reduced for multi-family condos down to 750. The townhomes were reduced generally down from 600 to 300. And then what was done through that reduction and through the reallocation of Boswell's Corner units, there was a need to reallocate 3,600 dwelling units. So, what happened then was those 3,600 units were split three ways at 1,200 units each that went to single-family detached units in Stafford Station, George Washington Village and Centerport. So those units went up to 2,200 in each. The other change...

Ms. Kirkman: Mr. Chair? Excuse me Mr. Chair.

Mr. Howard: Yeah, Ms. Kirkman?

Ms. Kirkman: Could you explain... the acreage was reduced but the num...

Mr. Zuraf: The units were... sorry.

Ms. Kirkman: Well, previously you told us how in some of those areas the acreage was reduced and now you're telling us that the number of units is going to be increased.

Mr. Zuraf: No, the number of... well, the single-family units were increased but at the same time your condo and townhome units were reduced. So, but at the same time these three areas picked up a few units from Boswell's Corner so there was a slight increase of units.

Ms. Kirkman: So, the overall... what are the... so, for instance, in the Urban Development Area on Widewater. What's the overall change in the number of units?

Mr. Harvey: Mr. Chairman and Ms. Kirkman, while he's looking that up, I think getting partly to your question is based upon changes to the chart, we're going to have to revisit the boundaries potentially to see if the Urban Development Area extent is still viable and whether they need to be expanded out

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further because of the reduction in density that's going to probably require more land area. So, that's something we'll have to do an analysis and probably provide another map.

Ms. Kirkman: Okay.

Mr. Zuraf: Yeah, that previous UDA land needs chart, we are working to revise that and to determine those needs. But on the question on Stafford Station, the prior unit numbers added up to 3,300 units so there was actually a reduction down to 3,250, a reduction of fifty. Previously, the Stafford Station UDA had a higher number of units than any of the other UDAs.

Mr. Howard: Do you know which units were reduced? So was it single-family homes, townhomes or condominiums?

Mr. Zuraf: Condominiums were reduced from 1,500 down to 750 and the townhomes were reduced from 800 down to 300. And then the increase of 1,200 in single-family detached.

Mrs. Hazard: Mr. Chairman?

Mr. Howard: Yes.

Mrs. Hazard: As we look at this map and recalculate it, because I see it especially... while it stands out for me in Centerport that we are reducing a lot and we are now adding 1,200 homes, we've just had a presentation from the Quantico talking about noise and impacts from air operations. A lot of this is now being put around an airport, maybe not right now; we are planning long-term. If that is developed, we are basically moving home potentially from one area that has noise impacts into another. And I would really like us to consider if 1,200 single-family homes are going to fit neatly in the proposed boundaries that we have, I'm not telling you where to move them, but I think we really need to be mindful of the presentation we just saw. Granted that's Quantico but we do have... and I know that the committee that I sat on had some concerns about making sure we made sure an airport in our community was highly noted on any map so that someone coming and looking could find that there's an airport potentially near them. So, like I said, I'm not offering the solution, but I am saying as we look at that I'd like that considered considering the presentation we just saw, or heard.

Mr. Howard: Mr. Fields?

Mr. Fields: I apologize if I missed an answer. What was the rationale given for reducing multi-family and townhomes and increasing single-family?

Mr. Zuraf: Some of that was kind of around the issue of... was it last week, there was an update from Dr. Fuller to a Board Committee on his work in evaluating the impacts of the Comprehensive Plan and he had some data that identified the financial impacts of different types of units. And his preliminary data showed that the single-family detached type of dwelling unit has much less of an impact financially on the provision of services as compared to townhomes and multi-family. So I think that was basically what kind of frame the issue of okay, given this data, we're going to reduce the multi-family units that have a higher cost and financial burden on the community and transfer those to single-family detached units.

Mr. Fields: And Dr. Fuller's study is done or is it visible to anybody?

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Mr. Zuraf: It is not complete yet. He basically provided an initial update on that; I believe it was going to be September 15th or 14th when he was going to have that work ready.

Mr. Fields: So we're just supposed to take his word for it at this point. So, I guess I have a concern... well, I have a number of concerns. I'm not even sure that's allowable under the 14th Amendment to start excluding, saying who can live here and who can't live here based on how big a house they can buy. But, second of all, it certainly seems to be is that... I mean, has the committee articulated that as a policy now that one academics' opinion of financial viability is now the driving force in the physical mix of the built environment as opposed to the functionality of different types of housing and the vibrancy in the life of a community. If that's the policy, then let's make that the policy. But if we're reducing numbers based on one study alone, then we're not really doing land use studies anymore; we're just doing fiscal studies.

Mr. Howard: Mr. Fields, is there a question that you would like Mr. Zuraf...

Mr. Fields: Well, you're on the committee... I assume you're on the Joint Committee. Is that the committees' official policy that the guiding principle on how to allocate residential land use is a fiscal cost to the County? Does that supersede all other considerations?

Mr. Howard: No.

Mr. Fields: So, there were other considerations then why you went from condos and multi-families to single-families.

Mr. Howard: I think there were numerous other considerations, and some you just heard from Quantico as to what happened with...

Mr. Fields: I understand the Boswell's Corner...

Mr. Howard: ...with one of the UDAs. There's a lot of debate obviously about even the number of UDAs but when you look at some other counties that are not too far from here, Spotsy is one of them, they have eight UDAs in their new plan so there's a lot of discussion, a lot of debate. But at the end of the day we reduced one Urban Development Area, we took some information that was given to us very recently in terms of... it wasn't given to the committee as a whole on Saturday, it was given to some of the Board of Supervisors' as a here, just to let you know, from a financial perspective these are what these types of units will cost you and so on and so forth. So the decision was made to look at spreading out to single-family units recognizing again in these Urban Development Areas we are talking four dwelling units per acre. So it is still a dense way to view the Urban Development Area. But they cost the County less money; no one said anything about ever not having affordable homes or having condominiums built or townhomes. Remember, there is a lot of zoning that follows post the Comprehensive Plan passing and hopefully some of that zoning will be some of that form based zoning that we've talked about previously and other zoning that will allow a variety of different types of dwelling units to be built and people living in throughout the County. It's not a political process if that's what you're asking. There was no politics discussed at all. We talked about it purely from a financial...

Mr. Fields: It's a fiscal I guess is what I'm saying.

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Mr. Howard: Yeah, it is a fiscal... anything we do we have to look at from a fiscal perspective, of course. Ms. Kirkman?

Ms. Kirkman: Did my colleague from George Washington have something more to say?

Mr. Howard: I'm not sure.

Mr. Fields: I just gave up. It's your turn.

Ms. Kirkman: Alright. While we're asking questions, the changes in acreage, let's go back to the Urban Development Area on Widewater. How was it decided that that area would be reduced by 145 acres?

Mr. Zuraf: It wasn't a...

Ms. Kirkman: Not 200 and not 150 or...

Mr. Zuraf: I don't think it was a basis on an X number of acres; it was more of a locational basis of identifying the land between the railroad and the river. And whatever that acreage came to, that's what we've basically provided in here.

Ms. Kirkman: And, as I recall, most of the land between the railroad and the river is at about ten or fifteen feet above sea level and can't be built on anyway. Is that correct?

Mr. Zuraf: I can't confirm; I can check out what the elevation is and what kind constraints there might be but I can't confirm right here that it can't be built on.

Ms. Kirkman: Okay. And so, on Centerport, how was it decided that that project would be reduced by 754 acres? What were the locational criteria there?

Mr. Zuraf: Well, I think a lot of this goes back to the last chart that identified the UDA needs, the acreage needs, where it really showed that the original mapping out of those UDA areas was well... I think it was like double of what the actual needs were. So this was all an effort to kind of bring the UDA areas down to match what the actual needs are on a development basis.

Ms. Kirkman: So if I go back to that chart, I'll see that it shows that 754 acres could be removed from the Centerport UDA?

Mr. Zuraf: That's something we still have to... you know, these reductions were made and now we have to go back and revise that chart because these revisions weren't necessarily fully based on the specific acreage reduction needs. And, at the same time, when the condos and townhomes were reduced, that changed the acreage needs for the town centers because you had a fewer number of units in the town center, so your town center areas were reduced. But then at the same time, now your multi-family area needs are much greater. So, we're kind of in the works of re-evaluating what the new needs are which should bring it closer but we don't know yet if it's a full match.

Ms. Kirkman: Okay. So, I know it's not a full match but where did this number come from? How did you come up with 683 acres for Centerport versus 1,437?

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Mr. Zuraf: That was as a result of the revisions that were...

Ms. Kirkman: But where did that revision... how did that specific number come up with?

Mr. Zuraf: This was at the committee meeting. These revisions were presented and reviewed by the committee.

Ms. Kirkman: And the rationale for 683 versus 750 or 500... I mean, how did you come up with a number so specific? I have not yet heard an explanation.

Mr. Zuraf: It's just a result of the GIS analysis and based on whatever the boundaries are, that's the number that the GIS program spits out. And so it's...

Ms. Kirkman: So, what are the boundaries based on then?

Mr. Zuraf: The boundaries are based on the criteria that were presented in the revisions with, as I mentioned, bringing the UDA a quarter mile in from 95 and placing a business and industry corridor there; and then also bringing in the UDA, removing it from the areas that were closest to the airport, and also removing the area that was south of Enon Road. So there was some kind of locational basis but it was all in an effort I think of basically reigning in and bringing the limits of the UDA into a smaller area.

Ms. Kirkman: Okay, thank you.

Mr. Zuraf: Okay, I guess following along with the issues of the Urban Development Areas, there was again the issue of the density range was brought up to the committee regarding the minimum and maximum. And what the committee, as you are aware of now, is what the committee decided was for the language and the text to be clear that basically the minimum density is the maximum. So, it's going to be one set number for density of the different types and that's going to be clarified in the document. And then also for the issue of...

Mr. Fields: Let me get that straight. So, that means if somebody comes in for a rezoning in the UDA, these different areas... have we seen maps yet of the UDAs that show... a map of just the UDA and then the different areas designated for different type of development mixes?

Mr. Zuraf: No, that is intended on being a product of the efforts under our UDA grant with the consultant. They will narrow that down and do that through that process.

Mr. Fields: So, if somebody comes in, you know, we have a UDA, pick any of these that have a mix let's say, Eskimo Hill, 360 condos, 160 townhomes, 400 single-family. The densities are going to be set. So, four dwelling units per acre for a single-family, that's the maximum, that's the minimum. So, in the long run you feel the committee has felt or everybody feels that somebody comes in with a brilliant progressive, the nicest looking development anybody has ever seen, they said but you know what? We think that to make this work, our design criteria would require five or six dwellings units per acre in a different type of single-family mix. We would be excluding that from possibility or we would just... we would have the leeway in the Comp Plan to do that?

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Mr. Zuraf: I can't speak to how the Board would, you know, decide upon the consistency with the Comp Plan. I guess in the strict interpretation of the evaluation of the Comp Plan, it would be tough to recommend approval if it's in excess.

Mr. Fields: Sure. Okay, thanks.

Ms. Kirkman: Mr. Chair? So, just to follow-up, you said that the exact location of the various densities and the UDAs would be done through this, is this the VDOT grant?

Mr. Zuraf: Yes.

Ms. Kirkman: And when will that process be done?

Mr. Zuraf: The process would be done... well, the work should be completing in the end of spring, the beginning of July, with then follow-up kind of approvals and implementation of... basically approvals of the products as elements of the Comp Plan towards early fall of 2011.

Ms. Kirkman: Well, just how are citizens going to have adequate information to comment on the proposed Comprehensive Plan without knowing that level of specificity?

Mr. Zuraf: Well, through these revisions the process involves having some community meetings on these specifics of the UDAs.

Ms. Kirkman: But that's after the fact. That's after the Comprehensive Plan has already been approved.

Mr. Zuraf: Right.

Ms. Kirkman: Thank you.

Mr. Zuraf: And on the issue with the concern with the parks in the Urban Development Areas, the direction provided on that was to add location criteria that would identify the extent of where parks would be allowed outside of the Urban Development Areas. So staff is working on that.

Mr. Hirons: Mike, if I could. Sorry, Mr. Chairman?

Mr. Howard: Mr. Hirons, go ahead.

Mr. Hirons: With the parks criteria, what direction was given or what's the plan with that? Is it going to be specified areas for the individual UDAs of where parks should go or is it going to be this like type of range thing within a certain area?

Mr. Zuraf: Well, I know in some areas you do have some parks that are designated around the perimeter, but if there aren't any then it would be more of a written kind of explanation of the parameters with maybe distance criteria. But I do know that the committee kind of left it open for any comments on if there are any concerns or suggestions on where parks should go in any of these areas, then that was kind of left open to be placed on the map.

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Mr. Hirons: Yes, I happened to look at the UDA in Falmouth, Leeland; there's not a lot of land there for the parkland that it calls for and I think a range type of thing, a diameter from the UDA is probably more appropriate.

Mr. Zuraf: That was not a specific direction that we were heading in because that's kind of more a policy issue and a change in the requirements. So I think we would need maybe some concurrent to proceed with that in that direction in setting some range.

Mr. Hirons: Yeah, go with what you know and see what you come up with. We'll work from there.

Mr. Zuraf: Yeah.

Ms. Kirkman: Mr. Chair? Could I just get... are you working off the memo or are you going by your own notes?

Mr. Zuraf: I'm going off my own notes.

Ms. Kirkman: Okay.

Mr. Zuraf: Sorry. I'm not to the memo yet.

Ms. Kirkman: Okay, thank you.

Mr. Zuraf: And then also, at the end of Chapter 3, you have the information on transportation issues and specifically road improvement projects. Staff is working to add in the costs of road improvements into the Plan as has been suggested through legal advice. We're working on that. On the issue of the suburban areas on the Land Use Plan, staff brought up the concerns that were raised about some of the language that deals with the location criteria with multi-family and townhouse units and how the Plan is not necessarily too specific or as specific as maybe would be desired. And then also with the concern about the way the acreage had been recommended across the entire area of the three dwelling unit per acre density across the entire site. And the direction was to revise the language in the suburban area first regarding density to require that density as required in the Plan to be on a per project basis, so it's not like across the board. So that would provide more specificity as sites come in. And then the other direction actually...

Ms. Kirkman: Excuse me Mr. Chair. Could you clarify what that means, on a per project basis, because there are zoning districts that are associated with the suburban use, including districts that have residential density of up to fifteen dwelling units per acre. So what does it mean to say it will be three units on a project by project basis?

Mr. Zuraf: So if a project comes in that is made up of several properties and they come in for a rezoning then the overall density cannot exceed three dwelling units per acre across that project as proposed.

Ms. Kirkman: But it could be up to fifteen dwelling units...

Mr. Zuraf: No.

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Ms. Kirkman: ...in one portion.

Mr. Harvey: Mike was going to get to the second part of the recommendation. Maybe that will address your question.

Mr. Zuraf: Yeah, that's right.

Ms. Kirkman: Thank you Mr. Harvey.

Mr. Zuraf: Yeah, the second direction was around the concern about the multi-family and townhouse units, the direction as actually to limit the unit types in suburban areas to only single-family detached units. So that therefore would take care of that density concern. So in the suburban areas you can have three dwelling units per acre per project or tract area and uses only single-family detached units being recommended.

Ms. Kirkman: Does that then mean we're going to be eliminating some of the zoning districts associated with the suburban land use?

Mr. Zuraf: I don't think you'd want to do away with them because you have projects that already are in place under that zoning district. So, I don't think you want to...

Ms. Kirkman: But they would be vested so it wouldn't matter what we did in the Comprehensive Plan.

Mr. Zuraf: That level of implementation hasn't been considered yet, whether zoning districts would be removed.

Ms. Kirkman: Wouldn't we need to do that to... I'm just trying to make sense of what the team proposed because it's a fairly substantial change.

Mr. Howard: And it's a very good question. I think there's a lot of zoning, as with any Comprehensive Plan that's passed in any county, and that has to be looked at, changed and evaluated and be written in a way that supports the new Comprehensive Plan.

Ms. Kirkman: But we've already said that the suburban land use includes those zoning districts. And so is the language of the Comprehensive Plan going to not include those zoning districts?

Mr. Zuraf: Yeah, it's not going to specify specific zoning districts.

Ms. Kirkman: Thank you.

Mr. Zuraf: We've provided to you also, you have revised student generation numbers. That was addressed at the committee meeting. This was a result of a meeting that planning staff had with School Board staff. They had concerns with some of the details in the Plan and they did provide us with revised student generation numbers. So, in response to that, I will be updating the... and these numbers are really not too far off from the numbers that were utilized in prior versions of the Plan, but we were going to use this latest and greatest data to update the information in Chapter 4 regarding the cost of growth and the determination of the public facility needs based on this data.

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Mr. Fields: So have you seen... Mr. Chairman?

Mr. Howard: Yes Mr. Fields.

Mr. Fields: Mr. Zuraf or Mr. Harvey, anybody that's seen any pieces of Dr. Fuller's work, have you seen the part where he figures out how if average single-family student generation is .66 per household and the average multi-family is .32, that single-family houses actually are a better deal for the County. Have you seen how that number works since, you know, sixty-five percent of the budget is education?

Mr. Zuraf: No, the information was more so a verbal I guess presentation of the initial results.

Mr. Fields: Alright.

Mr. Howard: Mr. Harvey, did you want to...?

Mr. Harvey: Yes, Mr. Chairman and Mr. Fields. We've received some preliminary email correspondence with regard to potential market absorption of commercial industrial, as well as projection of revenues versus expenditures based on dwelling unit type. And there is a distinction based upon dwelling unit type somewhat to the extent that Mike described. We could provide that information to the Commission; it's not complete yet as far as being finalizing his report and determining findings.

Mr. Howard: Has Mr. Fuller had a chance to see the way the Stafford County Schools estimate the students per dwelling unit?

Mr. Harvey: Yes, we forwarded their student generation rates to him.

Mr. Howard: I think that was Mr. Fields' question.

Mr. Fields: Yeah.

Mr. Harvey: Oh, yes.

Mr. Fields: Well, I'm just interested to see... I assume at some point we will see his methodology on how he calculates these findings.

Mr. Harvey: Yes, I'm assuming that's going to be in his report, documentation on how he came to his conclusions.

Mr. Fields: Okay.

Mr. Howard: Thank you.

Mr. Zuraf: Now I am going to the memo; everybody can breathe easy.

Ms. Kirkman: Mr. Chair? If I could ask a question that's not on the memo, so we can just get that part... We were advised that the original estimate that was used for the population growth actually

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was an over-estimate of the growth and that it's been advised to revise that to be consistent with the actual number for VC ten year growth. So, what's the new number for the growth?

Mr. Zuraf: Well I know for the Urban Development Areas it's 14, 611.

Ms. Kirkman: And how is that different from the previous estimate?

Mr. Zuraf: The previous one was like 14,900 plus.

Ms. Kirkman: Okay, thank you.

Mr. Zuraf: And I guess also, what staff is also doing is working on... we received other minor comments on the document through the entire document through legal counsel and we're working through making all these amendments to the document itself. Now, on the memo, this memo addresses issues that were brought up at prior work sessions and, most recently, at the August 18th work session. The first item discusses the issues brought up around the Stafford Station Urban Development Area and the VRE station. There were several follow-up questions on this issue. The first question was what is the current VRE subsidy per VRE rider? We had partial information and you received a follow-up memo in front of you that is the subject of VRE ridership and that provides the answer to that. The VRE subsidy per VRE rider is \$7.18 per rider in Stafford County.

Ms. Kirkman: Excuse me, Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: Could you give us the number... so the number of riders boarding in Stafford County is 1,467 and the total subsidy is \$2,634,002. So, \$7.18 times 1,467 does not equal \$2.6 million. So, could you give us what the annual cost per rider is, because it isn't \$7.18.

Mr. Zuraf: Well... Kathy helped with this one.

Ms. Kirkman: Thanks.

Mrs. Baker: Let's see... the yearly cost is \$1,795 per rider.

Ms. Kirkman: Okay, thank you. That's not in the memo?

Mrs. Baker: No. We just gave you the total... the actual trips based on 500 trips.

Ms. Kirkman: Based on trips. But per rider, the subsidy is how much? One thousand...

Mrs. Baker: Seven hundred ninety-five.

Ms. Kirkman: ...seven hundred ninety-five? Okay, thank you.

Mr. Zuraf: Okay, the next question was what is the potential capital cost for a new VRE station? And that information, the estimates were approximately \$6.2 million which did not include any infrastructure improvements to support the station other than surface parking. The next question was

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regarding how this has been handled up the road in the Cherry Hill development. And there was a question if any proffers for that development were applied to VRE and what we did find was the developer proffered approximately \$200,000 in 2000 towards the design of a new rail station. Also the, there was a question about is it possible to accept proffers that would contribute toward any increase in the County's VRE subsidy resulting from increased ridership? And the response to that is the proffers can only be applied to capital costs and subsidies from the County go towards operation costs. The second item of the discussion involved whether any of the transportation modeling included the transportation bond projects. And staff did not have any record that indicated that occurred. The transportation bond projects do represent only I guess portions of some of the road improvements that served as inputs into the model. Item 3, that's been addressed on the issue of denial of rezonings based on inadequate public infrastructure. Item 4 was the issue of the concern about the suburban areas on the Land Use Plan and the issue of collector roads and the concern that multi-family and townhouse units would be allowed along too many of the roads. And so staff noted we would provide a map that identified the affected roads. And we did provide it; also another thing you received tonight was an 11 x 17 map that identified the major collector and arterial roads in the County and overlaid that with the suburban areas. And we did provide this but I think this issue has been resolved with the recommendations from the Joint Committee that are basically limiting the suburban areas to single-family detached units; so all those parameters regarding the location of multi-family and townhouse units along collectors and arterials that that language goes away. So I think that becomes a moot point but the information has been provided anyway. Item 5 is there was an additional amendment to Policy 3.1.3 after reviewing this policy that staff proposed and we added in the additional criteria that was requested by Ms. Kirkman. And the Commission at that time did not want to make a final decision and vote on this new policy until the full Commission was here. So, I guess at this point we'll turn it back to the Commission to either accept this proposal or revise it.

Mr. Howard: Mike, which item was that on?

Mr. Zuraf: It was item 5.

Mr. Howard: Item 5? Okay.

Ms. Kirkman: Well, since it was my suggestion, I guess I'll make the motion to amend the Comprehensive Plan as recommended by staff.

Mr. Fields: Second.

Mr. Howard: A motion is made for recommendation to amend Policy 3.1.3 of the Comprehensive Plan, second by Mr. Fields. Is there any discussion? Hearing no discussion I will call for the vote. All those in favor you can signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

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Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Those opposed say nay. The motion carries 7-0. And just to clarify the question on the math, I was just doing that with my little calculator there, it's 1,467 riders at 500 trips a day equals 733,500, and if you divided that into the \$2.634 million, that's the \$3.59... I did it backwards but if you did it forwards, it works the same. So, that's why it's \$7.18 per rider per trip and that's the subsidy per trip. And it looks like they're counting the rider twice, right, so you go to work and you come home. And they're estimating 250 trips per rider per way. So, that's how they came up with that math. Okay.

Mr. Zuraf: Okay, item 6 on the memo, that was the discussion of the revisions to Policy 4.8.4 regarding noise disclosure. And as I mentioned, the committee on this past Saturday recommended or suggested bringing that prior language back in. The prior language of Policy 4.8.4 was to amend the Military Facility Impact Overlay District Ordinance to require a noise disclosure document for potential purchasers and leasers within the district. And I don't know if Alan has anything more on this because there was a request for more legal advice on this.

Mr. Howard: Mr. Smith?

Mr. Smith: Our office provided the confidential memo that we previously provided to the Commission to the full Board of Supervisors.

Mr. Howard: Great.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes, Ms. Kirkman.

Ms. Kirkman: In his memo, Mr. Smith suggested I think at least two possible solutions to this. One of them had to do with putting a note on the subdivision plat and the other one I think had something to do with the noise ordinance, is that correct? I don't think I have that memo in front of me right now. What was the second possible alternative?

Mr. Smith: The Commission inquired whether other localities handled this issue in a similar fashion and there is one locality that does have a provision in their noise ordinance that is similar to the previous policy that was in the draft Comprehensive Plan.

Ms. Kirkman: And how did that... but there were some differences that, in order for that locality to be able to enact that?

Mr. Smith: Well, they enacted it under their noise ordinance and I presume that it was enacted pursuant to their police power, not to any of their zoning authority.

Ms. Kirkman: Oh, so since it's on the... but we can make recommendations for amendments to the noise ordinance as part of the Comprehensive Plan.

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Mr. Smith: As it relates to the Comprehensive Plan? Yeah, the Commission could if they wanted.

Ms. Kirkman: So, I would like to suggest that we have staff draft two amendments for the Commissions' review regarding the two solutions that Mr. Smith presented as possible; one being requiring a note on subdivision plats and the second is amending the noise ordinance.

Mr. Smith: I do want to clarify that without going into detail of the confidential memo that I'm not sure that I would characterize it as a suggestion, at least as it relates to one of the two issues that you've raised.

Mr. Howard: I think part of the challenge is, you know, whether the County can actually enforce any of that. I think we all know that based on the way the current...

Ms. Kirkman: Well, we could certainly put it, based on Mr. Smith's memo, we can certainly make a recommendation about requiring the note on the subdivision plat.

Mr. Howard: Yes, absolutely.

Ms. Kirkman: There's no question about that. And we could certainly make a recommendation to explore the possibility of amending the noise ordinance.

Mr. Smith: The Commission could certainly make that recommendation, I just recommend re-examining the memo just to ensure that everyone is clear about our office's legal position on those, what we found that the other localities do and their defensibility.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Great.

Mr. Zuraf: Okay, I'll make those changes. Item 7 we reviewed the full build-out analysis at the last meeting and staff was requested to make some adjustments to the methodology in the build-out. The first change was that basically this revision, this latest build-out, does not separate out Resource Protection Areas from the area included in the density calculations where we did before. And this is consistent with how this was determined in prior iterations of the build-out. We did also then utilize a ten dwelling unit per acre density in the UDAs across the different Urban Development Areas. Now, this build-out is based on the prior draft version so it would probably have to be revised again, but this is the latest methodology and also, at the same time, we did revise and clarify the title of this saying that it's called the "Maximum Potential Land Use Build-out" and then we added notes in the beginning to clarify what this is, what a maximum potential land use build-out is. And this was discussed at the Joint Committee. Some of the members did disagree with the rationale behind the numbers. And also it was never... I think staff is seeking direction as to whether this document and this build-out will be made part of the, and added into the, Comprehensive Plan. I don't think that was clarified in prior meetings.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

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Ms. Kirkman: Well, before we get into that decision, I have some questions about the numbers. So, under this maximum potential build-out, we're up to 161,201 units. Now, since this number came out, miraculously 2,000 acres were taken out of the UDA. So that'll reduce that number by 20,000 and bring us down to 141,000. In terms of the numbers, under park you have 7,613 listed in parkland. Do we already have that amount of acreage in parks in Stafford?

Mr. Zuraf: This is... as far as managed County parks?

Ms. Kirkman: Well, we also have a State Park as well, which is Crow's Nest, because...

Mr. Zuraf: This is going to include Crow's Nest, Widewater and then all the other designated...

Ms. Kirkman: Okay, so this has got the Widewater State Park in it?

Mr. Zuraf: Widewater is in this so that's probably where we're getting that.

Ms. Kirkman: Okay. And then, in terms of the agricultural build-out, I just want to make sure that certain parcels were treated the same. So, if a parcel of a hundred acres had one house on it, was that treated as further sub-dividable or not?

Mr. Zuraf: Yes.

Ms. Kirkman: It was. So it is entirely consistent with the previous methodology.

Mr. Zuraf: Yes.

Ms. Kirkman: So this minus the 20,000 from the reduction in the UDA, the 141,000 number is the closest comparable number we have to the December 2008 draft.

Mr. Zuraf: Yes, if that 20,000 is accurate, that 20,000 reduction.

Ms. Kirkman: Okay, thank you.

Mr. Zuraf: And the question of do we include this in the Comp Plan?

Mr. Howard: Okay, I'll bring it back to the Commission for discussion on Mr. Zuraf's question. And we're talking specifically about the draft maximum potential land use build-out dated June 17th, right?

Mr. Zuraf: Yes.

Mr. Howard: Okay. Which is two pages, correct?

Mr. Zuraf: Correct.

Mr. Rhodes: Mr. Chairman? Have we seen something similar in other Comp Plans?

Mr. Harvey: Mr. Chairman and Mr. Rhodes, our current Comprehensive Plan uses a build-out rather than a growth projection. Previous amendments had also used build-out rather than growth projections.

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Mr. Rhodes: In using this same similar methodology?

Mr. Harvey: Yes.

Mr. Rhodes: Every parcel of every land... okay.

Mr. Fields: Mr. Chairman? I think it's significant to include it. I think it's properly worded as a... there's so many factors that affect the, you know, what a county is going to be or not going to be. I think everybody recognizes that there's market factors, economic... in this day and age global factors that affect what the build-out of a county is. This is a mathematical exercise which I think gives you... it's the only precise number; is it the most likely number? I don't think anybody would say that, but it's the only mathematically precise number because every other type of build-out, growth projection, makes even, you know, I'm not saying that's a criticism but they have to make massive assumptions to get certain kind of numbers, assumptions that you get. This just says if everything is built out, this is the number. So you can kind of go apples and apples; if you're looking at other scenarios or looking at variations of modifications down the road, you have your mathematical analysis. It's like looking at a... you know, everybody knows, I mean, you're only going to get X different pieces of land zoned exactly the same or you're going to get wildly different lot yields depending on topography and all kinds of issues like that. If you can't go parcel by parcel and do the engineering, then the only way you're going to get comparable analysis is to do something like this... I think.

Mr. Howard: Thank you. Any other comments from anyone?

Mr. Rhodes: Mr. Chairman? I would just submit that I think they did a very clear job of putting the qualifier statement up there above it. It's not unlike before; I don't see that there's any confusion to it. It's clearly representing the absolute extreme maximum that could possibly theoretically be done over any horizon of time. And so I don't think there's any confusion to what it's representing. So I don't have a really great reservation against it being used in any fashion.

Mr. Howard: Mr. Mitchell.

Mr. Mitchell: Mr. Chairman, this number has always bothered me personally because it is an extreme number in itself. There would have to be massive build-out, there would have to be massive funding; right now with America in debt up to it's ears, I don't see how any bank would be willing to loan five percent of the money it would take to do a maximum build-out. This number has always bothered me. I object to it personally. Like Mr. Rhodes, I would like a proviso in there stating what it really is, a maximum build-out under a certain...

Ms. Kirkman: (Inaudible).

Mr. Mitchell: But I'm not comfortable... I read that one, but I think if someone read it in its entirety and didn't read the little bitty one up on top, it would not give its full impetus. So, I personally have never... when I served on the first committee, I did not support the maximum build-out number. I thought the maximum build-out number was an extreme scenario that could not happen.

Mr. Howard: Thank you Mr. Mitchell. Anyone else?

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Ms. Kirkman: Mr. Chair, I actually concur what my colleague, Mr. Rhodes, had to say with one amendment, which there actually is a time... there is a horizon on this which this is a twenty year plan. So there is that time horizon on it. And, with that in mind, and given how we've done previous Comprehensive Plans, I'm going to make a motion that this be included in the draft of the Comprehensive Plan.

Mr. Fields: Second.

Mr. Howard: Motion on the table to include the maximum potential land use build-out as illustrated today, which is the June 17th, 2010 version. Again, it's two pages and on there is the inside, the Urban Services Area, and outside the Urban Services Area lays out urban/suburban industry, agricultural, rural, parkland and also in and outside the Urban Services Area. Any discussion?

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes, Mr. Rhodes.

Mr. Rhodes: The last sentence on the qualifier above the top of it where it states "full build-out does not reflect a time horizon within which all of the stated future growth would occur", so just to clarify, that isn't somehow saying that this is what could occur in twenty years. This is saying into perpetuity; if you went forever and were able to ever and possibly develop every single potential developable portion of every piece of property, this is what it would map out to, correct? It's not within twenty years or setting a time horizon?

Mr. Howard: You're both correct. So, it's saying if we built every piece of land, on every piece of land in Stafford County, we'd max out. This is all it could ever be, but the qualifier to this would be it's based on the current Comprehensive Plan as it's being drafted.

Ms. Kirkman: I wonder if that sentence, in fact, isn't somewhat confusing and should somehow be... either it should state this is based on the twenty year Comprehensive Plan or like somehow that should be reworded.

Mr. Howard: Well, it is based on the current Comprehensive Plan but yet it is also comprehensive in that it's looked at all of the land in Stafford. So unless we were to grow and we took Quantico over, which is probably not likely...

Ms. Kirkman: No, they're more likely to take us over.

Mr. Howard: Yeah, at the end of the day...

Ms. Kirkman: Well, they've already done it, so...

Mr. Howard: Quantico is good for Stafford I believe.

Mr. Rhodes: I think if you were to modify it at all, it would say something along the lines of there's no one believes that this would ever really occur.

Mr. Howard: Right.

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Ms. Kirkman: Mr. Chair, I would submit that's a little rhetoric; that's not appropriate for the Comprehensive Plan.

Mr. Rhodes: Does anybody really think that'll occur? I mean, do you think every... come on.

Mr. Howard: Well, probably not but... go ahead Mr. Fields.

Mr. Fields: No, I think really... I understand all the points but if you really read exactly what it says in those three lines right there, I think it states very clearly all of the information that someone needs to say. It says "assuming all the privately owned land develops to its full potential in accordance with the land use recommendations in the Land Use Plan". So, therefore, you're referencing, you're saying according to the land use recommendations of the current Comprehensive Plan...

Mr. Howard: That's right.

Mr. Fields: ... which has a twenty year time horizon but the land use recommendations are simply included in a plan which happens to have a time horizon. And then the final sentence just clarifies that this could happen in five years, it could happen in 500 years; it's simply a mathematical factor that has no projection over absorption rates or any assumptions about absorption rates. And seems those lines seem very clear to me; I mean, those three lines.

Mr. Howard: I'm actually okay with the entire document the way it's worded myself.

Mr. Fields: I did want to make a... Ms. Kirkman as the motioner... this version of the document does include Boswell's Corner.

Mr. Zuraf: Yes, this has to be revised.

Ms. Kirkman: Yes, I mean, I would accept a friendly amendment that as reflecting changes that are made in the UDAs.

Mr. Fields: Yeah, that this methodology be extrapolated as the document (inaudible).

Ms. Kirkman: Right. That this chart, depending on the final acreage.

Mr. Fields: Okay. I just want to be sure that we were catching that.

Mr. Howard: Stacie, do you have all that?

Mrs. Stinnette: Sure.

Ms. Kirkman: She's been doing great at capturing every "ummm".

Mr. Howard: Yeah, but she has to listen and watch us like five days a week in order to get all the things right, on a DVD she has to take home... unfortunately. So, you're good with that Ms. Kirkman? That friendly amendment?

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Ms. Kirkman: I am, understanding that, you know, that what we're adopting is the framework and the methodology and that some of the acreage may change.

Mr. Howard: Right. So, is there any other discussion? Hearing none I will call for the vote. All those in favor of the motion to include this Maximum Potential Land Use Build-out, June 17th Version, as it exists today but recognizing it will evolve based on the fact that we're in draft with the Comprehensive Plan, signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Those opposed say nay.

Mr. Mitchell: No.

Mr. Howard: The motion carries 6 to 1. Okay, Mr. Zuraf, thanks.

Mr. Zuraf: Alright, I'm done with the memo. I just want to note now that going to the, I don't have it with us, but the timeline we provided to you probably at the previous meeting identified a goal of having a Planning Commission public hearing in October. For that to happen, the Planning Commission would need to authorize the Plan on September 15th, your next meeting. So, staff is working to make all the changes in the document that were the result of a legal review through actions of the Joint Committee, through prior Planning Commission actions, and we will be hand-delivering the Plan next Friday, the 10th of September, as part of the normal Planning Commission mail-out and for your review on the 15th. So, that's all.

Mr. Howard: Thank you Mr. Zuraf. I'll bring it back to the Commission for a moment and just ask the question, does anyone feel, and I know staff will go crazy when I ask this, that there's a need for a special meeting for the Planning Commission next week with as much of the update as they can get, just before he sends out the draft that would be viewed on the 15th. So, I'm just throwing it out there. There's time to advertise if we want; we can do whatever we want... while Mike is falling off his chair over there.

Mr. Zuraf: I think staff would probably appreciate the time to make all the changes and I think we'll probably need every day to kind of get all the changes complete before next Friday.

Mr. Howard: We could do it Thursday night; it doesn't have to be Wednesday. I'll throw it out there. Okay.

Ms. Kirkman: Mr. Chair, I just wanted to express appreciation to Mr. Zuraf. I know he's working quite hard on this and certainly earning every penny and more than he gets paid.

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Mr. Howard: That's a great comment, thank you for saying that. I would agree. I think the one thing, you know, Mr. Fields did the invocation earlier and I appreciate his words and I hope as this process continues to move forward in the County that we can come together as a county and say hey, we have to think about what's right for the next twenty years and a ten year increment. But the other news on this is we're required by law five years from when we adopt this to go back and revise it, check and do really a status update on our numbers; are we hitting these projections or not in these UDAs and, you know, all the things we would be required to look at. In fact, when the census comes back we might be required to come back and revisit the Comp Plan even sooner. So, it's a forever evolving document and yes, people have very strong perspectives and opinions and that's a good thing, not a bad thing. But at the end of the day, the hope is we can come together as a county and advance it forward. The next item on the agenda is actually item...

Ms. Kirkman: Excuse me, Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: You know, I was all done with my questions and then you just made me think of one more. Could we get some guidance from the Attorney's Office and the legal consultant about, part of what we heard is if the census comes back more than 130,000, the UDA size, the density automatically increases. And so if we could get some guidance about what that means; like, what's our ability to change the UDA... so if we put these eight UDAs on the map and then we hit 130,000 and we hit the higher density requirements, does there then have to be a legislative change to keep those UDAs from automatically doubling in density? Do you see what I'm saying?

Mr. Howard: Well, that's a good question and I can tell you, because I've asked the question, and Mr. Smith will absolutely be able to chime in and help us. But my understanding is, first of all, we'd have until I think it's September of 2012 to make any adjustments that we would have to. And secondly I would think, as a county, we'd come together and lobby our State Legislators and say this is probably not the right thing for Stafford County; did you realize the impact on a county like us and hopefully we would be able to influence that. If we couldn't, then... it's not the UDA sizes themselves would double, but what you said is right; the density. So the required density of Stafford County within the UDAs would have to absolutely increase. But Mr. Smith, you can add onto that.

Mr. Smith: That characterization is accurate. It wouldn't automatically change the County's Comp Plan but the County, if legislation were not changed and remained the same and our population went above 130,000, the Board would need to come back... well, the Planning Commission and then the Board would need to come back and revise the Comp Plan to meet the additional required densities, the higher densities.

Ms. Kirkman: So, if the County did not revise the boundaries of the UDAs and were required to have that higher density in the UDAs, would that mean... that's a little different question than talking about revising the Comprehensive Plan.

Mr. Smith: Well, the Planning Commission and the Board would have to address the higher required densities in the UDAs.

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Mr. Howard: I think we'd have to have a strategy on what that looks like to your point. So, would we change the dwelling units themselves? Would we change... I there would have to be several changes in order to hit that number.

Ms. Kirkman: Okay, I'll see if I can articulate my questions better because I do think we need some legal advice on the potential impact of that. Thank you.

Mr. Howard: Thank you. It doesn't derail us from doing what we're doing today though, is that one of your questions Ms. Kirkman?

Ms. Kirkman: I don't know.

Mr. Howard: Okay. Alright. The next item on the agenda is for a Conditional Use Permit for Stafford Lakes. And I'm not sure exactly of the status on that applicant. Mr. Harvey, do you have any updates?

3. *CUP2900195; Conditional Use Permit - Stafford Lakes Service Center - A request for a Conditional Use Permit to allow vehicle fuel sales in the B-2, Urban Commercial Zoning District as well as within the Highway Corridor (HC) Overlay District on Assessor's Parcel 44-75 consisting of 0.96 acres, located on the north side of Warrenton Road and the east side of Berea Church Road within the Falmouth Election District. (Time Limit: September 14, 2010) (History - Deferred at June 16, 2010 Meeting to July 7, 2010, for meeting with Mr. Hirons, staff and the applicant) (Deferred at July 7, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010)*

Mr. Harvey: Yes, Mr. Chairman. The Board of Zoning Appeals conducted a public hearing on an appeal of my statement at a recent Planning Commission meeting regarding their requirement to dedicate right-of-way. The Board of Zoning Appeals deferred action. Based on the Zoning Ordinance requirements, any appeal of a decision from any Administrative Officer or the Zoning Administrator stays action on any related matters pertaining to that appeal. So, therefore, the Planning Commission cannot take action on this case tonight.

Mr. Howard: Okay, thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes, Mr. Rhodes?

Mr. Rhodes: Just to confirm then, because they are still taking other action, does that automatically extend the time limit or do they need to do something else dealing with the time limit? Since the time limit was 14 September or whatever.

Mr. Harvey: Mr. Chairman, in past experience it is my understanding when there is an appeal and there is a stay on any action, that freezes the timeline; there is no additional time being told or accumulated based on the stay. So, in other words, the clock stops.

Mr. Howard: The clock stops. So they'll be okay if, in fact, that decision doesn't go their way, they would still be able to come back before the Planning Commission and, at the very least, hear our decision on this, is that correct?

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Mr. Harvey: It's my understanding that the clock stops and then the clock will restart once the Board of Zoning Appeals makes a decision.

Mr. Howard: Okay. So we have to wait for notification that the Board of Zoning Appeals made a decision and then the clock starts again.

Mr. Harvey: Correct.

Mr. Howard: We have also item 4 and 5 which have been referred to this meeting, and I think that originally was done with the expectation somehow that we would be further along in the Comp Plan. So, Mr. Harvey, what does staff have for us on these two items?

4. *Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (Time Limit: October 6, 2010) (Deferred at June 16, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010)*

Mr. Harvey: Mr. Chairman, we do have Mrs. Forestier here who has been very patient to talk to you about some additional handouts that we gave to the Commission pertaining to item number 4 and how we could get maybe some further guidance from the Commission on how to proceed.

Mrs. Forestier: I think it may be seen as overload for you all to kind of give us some guidance as to what direction to take, or even if we want to change direction somehow.

Mr. Howard: Does anyone need a review of the Rappahannock River Overlay or the Reservoir Protection Overlay? A quick update or would we like staff to... there's a very large package in here.

Mr. Harvey: Mr. Chairman, I will say that recently our staff has received notice from Charles County, Maryland, and they are updating their Comprehensive Plan with regard to a, I forget the exact title, but it's more or less a Resource Plan for the county. And what they do is they take a holistic approach; they look at a number of water quality recommendations that potentially provide benefit to the reservoirs, the groundwater management, as well as other environmental protections. And they started with a planning document rather than necessarily an ordinance. Another thing to consider with regard to these past ordinances is that I don't recall specific recommendations in the current draft of the Comp Plan in relation to them. So, that may be something we discuss a little bit more and revisit.

Mr. Howard: So you're saying the county in Maryland actually includes overlays for the protection of the river and other types of resources like that in their Comprehensive Plan?

Mrs. Forestier: I don't believe they're overlays, I believe it's more of a working document where it just kind of guides their code requirements rather than one overlay by itself. I think Fairfax County has something similar; the Board has adopted an environmental agenda and basically the county is trying to follow some of the recommendations on that agenda over time. And I know that the proposed Comprehensive Plan does contain an objective to integrate environmental planning and implementation efforts into a single master environmental plan. So, I'm not sure if that would include a water quality plan within it.

Mr. Howard: Wasn't part of the rationale initially was to be in compliance with the Federal Government requirements on our County for some of the water protection, is that right?

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Mr. Harvey: Well, Mr. Chairman, for compliance with the Chesapeake Bay Act purposes, for Phase 3 compliance, the County would be given credit towards being compliant if we had protections for other land beyond the 100 foot Resource Protection Area. The Potomac River Overlay District, at the time, had additional lands being protected which would have given us credit towards that Phase 3 goal. One thing that you'll see consistently through the Potomac River Overlay and the Reservoir Protection Overlay zones is that it had additional buffers on certain lands, specifically, intermittent streams or additional buffers along perennial streams. That's a common theme that we've seen over the years and maybe that's something that the Commission would want to consider asking us to explore in more detail, either on a countywide basis or in a planning document.

Mr. Howard: Well, I'll bring it back to the will of the Commission. I'm certainly in favor of exploring those other options myself, but I'd like to hear anyone else's comments.

Mr. Fields: I guess I'm trying to get clear on what we're being... what are we being asked to do regarding both the Rappahannock and the Potomac Overlay Districts?

Mrs. Forestier: The original?

Mr. Fields: Yeah, what is our mission here exactly?

Mrs. Forestier: Well, let me see. The Board of Supervisors had discussed the issue and had referred both of the Overlay Districts back to the Planning Commission with the instruction that both of the watersheds be considered for an Overlay District and that the proposed Ordinance be in compliance with State and Federal guidelines. Basically, they passed both of them back saying create an overlay for the entire County, in effect, for water resource improvement and quality improvement.

Mr. Fields: So, are they saying then the entire County, which is either the Potomac... the entire Potomac watershed of Stafford and the entire Rappahannock watershed of Stafford? Is that what they're saying?

Mrs. Forestier: That's what I've understood.

Mr. Harvey: Yes, we only have those two major watersheds.

Mr. Fields: Right, exactly. So what I'm saying is they're both entire watersheds, not portions of those watersheds?

Mrs. Forestier: So, in effect, just changes to our code would affect the entire watershed. So, I don't know that we need an Overlay District.

Mr. Howard: Right. So I think they asked is do we want to look at what other counties have done in terms of code versus the overlay. Is that what you're asking us?

Ms. Kirkman: The overlay has always been part... when it's been done in other counties, it's always been part of the code. So, I think that's part of the confusion here is people trying to distinguish between the two.

Mrs. Forestier: The overlay and the code, yes.

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Ms. Kirkman: Yeah. So, I think that what we've... my understanding from what staff just said is that we've been instructed to come up with an Ordinance for the entire County.

Mrs. Forestier: In essence, yes ma'am.

Mr. Howard: Okay.

Mrs. Forestier: That would cover both watersheds.

Mr. Howard: Alright, let's do that.

Mrs. Forestier: Okay. General direction would be...? Are we looking for options to modify existing code? Are we looking to just create an entirely new Overlay District?

Mr. Fields: I guess my, Mr. Chairman, my concern in one of the problems of going back to the drawing board on this and, of course, one of the points of controversy that I think one of the issues regarding this is that if we go back and do that, that's fine. But there has to be some regard there for the fact that some lands, as you progress from right at the edge of the tidal waters to way back on the edge of the Piedmont, the impact and levels of impact and nature of impact and nature of restrictiveness or permissiveness varies wildly depending on the portion of the watershed that you're talking about.

Mr. Howard: Sure, absolutely.

Mr. Fields: And so, if we go through with this, it's going to... and I would assume staff or at least I would like to throw this idea out there, there's obviously still going to have to be some phasing or regionality of ideas. Obviously the Rappahannock certainly is, I mean, just between the George Washington and the Hartwood District goes from tidal to above the fall line. They have a completely different set of environmental issues; completely different set.

Mrs. Forestier: Right. The way that, in essence, many other counties, and Fairfax County in particular, has done watershed studies on sub-watershed levels. The best way to figure out what to do, at least, if you look at it on... the smaller you look at the level, the better an idea you get as to what you can do to help it. For instance, one creek might be affected because there are farms around it. Another one might be because there's too many parking lots. So you would deal with those differently. And I believe... I have spoken to Steve Hubble in Code Administration, or Public Works now, and they are starting a smaller watershed study on Woodson Run next year; I believe they have a plan that they've already come up with. And they're planning on expanding it from there. That's one of the reasons I included in the example of the Fairfax County plans that they had. Many counties do that, but it requires a lot of money, a lot of time and a lot of study. And you'll study it over time as well so that you can modify your plans. It would definitely inform the process better I believe, if we had more information on the water quality (inaudible).

Mr. Fields: Well, sure, each one of those sub-watersheds is actually strikingly unique in this County, as I assume in any county.

Mr. Howard: So, and we do have an October 5th deadline. I guess we could always ask for an extension.

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Mr. Fields: We're never going to make that.

Mr. Howard: That's when you have to update them?

Mrs. Forestier: It says the Board of Supervisors had requested a status update within the six months. I'm not sure what that means.

Mr. Howard: Okay. So, I think what you're saying is some of the other localities that you've checked use a watershed management plan as an option, right, for improving the water quality?

Mrs. Forestier: More water quality management plans in general where you have a lot of different options that you can sort of start applying within your code to try and improve the quality (inaudible).

Mr. Howard: Which would do what you suggested, take the problem or the issue and break it into smaller problems by stream...

Mrs. Forestier: Right, and you could look at applying different things like different parking requirements in the UDA areas or things like that.

Mr. Howard: Right, and you put that in the parking garages and you give us some examples and illustrations in the package.

Mrs. Forestier: Right. There's many different options for different areas.

Mr. Harvey: Yes, and there had been discussions in the past with the Commission about trying to come up with incentivizing certain measures where if they got a stream buffer, there may be a trade-off for certain parking requirements or landscaping requirements.

Mr. Howard: Or changing the surface type, you know, impervious versus pervious, right, giving somebody an incentive to do that.

Mr. Harvey: Yes.

Mr. Howard: I mean, we want to do this so what are you asking us? I guess we have to give an update on the 5th, that's one reason to bring it to our attention, which is very good, thank you.

Mrs. Forestier: I suppose perhaps maybe an update as to what direction we're sort of taking, whether we're moving away from an Overlay District to more of this like a water quality plan that we can implement over time?

Ms. Kirkman: Could you just clarify... talk of planning and such of sheds is great, but from what you said it would take years to get those studies done and a lot of money. And could you please clarify how this will help us meet the Phase 3 requirements, particularly given that we've now eliminated the two pieces of protection that we got extra points for which were protection of intermittent streams and additional buffers on steep slopes adjacent to streams.

Mrs. Forestier: Let me start from the beginning. The sub-watershed studies are basically going to be required from what I understand in the future for the stormwater permits from the Federal level, and so

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we're kind of getting a head start on that already. As for the steep slopes and the intermittent streams, the State itself doesn't have an absolute limit as to the points; it's kind of on a case by case basis. So I can't say that we're not going to pass because we don't have that overlay. I could ask Adrian to come and speak about that from DCR. We are still trying to find some ways... there are different ways to do it... and incentivizing less growth in certain areas and saving more trees might also have an affect on water quality. So, I'm not sure; it's up to the Planning Commission to give me direction on which way we're going to go. I'm fine with either way.

Mr. Howard: Well, you're bringing up a concept that I guess we had not explored which is the Watershed Management Plan as an option, which then does help you create the right ordinances. So, I'll bring it back to discussion to the Planning Commission.

Ms. Kirkman: Mr. Chair, what I think we need is an ordinance that protects intermittent streams and steep slopes in the areas closest to the tributaries to the Chesapeake Bay. And that clearly what's needed in some parts of the County is different than what's needed in other parts of the County. I think it's that simple and it can certainly be done on zones or what have you. But some of the flatland just doesn't need to be... the streams around the flatlands where sediment and stormwater management are not the same issues are not the same issues as on steep slopes, you need something different for those areas.

Mr. Fields: I would like to revise, in an amplification of that, trying not to make it more complicated but really back to some work, and Jeff ought to remember this, we really sort of had tried to work for a while also on integrating soil types into some of these requirements as well because from some work that we did, it's apparent that the soil type, the grade of the slope, the erodibility of the slope depends to some degree upon soil type. And so speaking just from an experiential thing and also just the District I represent, there is a lot of sandy soil in the George Washington District that erodes at ten percent. And so some recognition of the fact that some fairly gradual slopes on, for example, sandy soil are more highly erodible than steeper slopes on very dense type of clay soil that can sometimes be steeper. I don't know that that makes it unwieldy or impossible. I assume that the general soils maps provide a pretty good guideline on what we've got, right, in the County?

Ms. Kirkman: But I seem to recall, in fact, with many localities' ordinances, they have that formula that specifies like erodibility.

Mrs. Forestier: We do require that for some things as well for like some of the E&S calculations I believe. I would have to get somebody who did E&S reviews to explain it.

Ms. Kirkman: I mean, there are established formulas for doing exactly what you're talking about.

Mr. Fields: Sure, there would have to be. I certainly didn't make it up.

Mr. Howard: Does that give you some direction on what might help if you came back with some additional information?

Mrs. Forestier: I mean, would you like us to do some kind of a study or just to look at the steep slopes and intermittent streams that are still viable for buffers so that we can have areas where we might want to place more buffers, or just the whole County?

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Mr. Fields: Well, I think we have to... what Ms. Kirkman is getting at, I guess this is where it gets problematic is you've got to figure out what the level of criticality is. I can remember the factor on the Rappahannock River Basin Commission, the impact, the natural, and correct me if I'm getting this horribly wrong, but the natural dynamic and filtering capacity of the river above the fall line, for example, is far greater than the ability of the tidal portion to filter in change. So that there's a very different factor of what constitutes degradation of the stream water quality above the fall line versus down the fall line; meaning there's got to be some standards for saying, you know, given the soil erodibility thing, what is the ultimate criticality to the Chesapeake Bay Watershed of this slope? Obviously a steep highly erodible slope right on the a tributary to the Potomac and the tidal Rappahannock is a far greater concern than a less erodible slope way up on the Fauquier line that's draining into Deep Run or draining into the Rappahannock.

Mrs. Forestier: Kathy might have an idea. I know that you use a formula for PDRs? Is there any way that we could modify that? The formula that Mike uses for the erodibility of the steep slopes and all that for finding all... remember the...? Okay, I remember him doing something based on soils. I'll ask Mike.

Mr. Howard: Well, would it make sense then, geographically, to start maybe not do the entire county but to Mr. Fields' point the more downstream parts of the Rappahannock and the Potomac? You know, the tributaries that we have going into those waterways?

Mrs. Forestier: How close and how far because Aquia Creek goes into...

Mr. Howard: Yeah, I know... I throw it out there... I mean, if that means you end up doing the entire county then I guess what you could do; but I'm not sure that you have the time before October 5th to do that.

Mr. Fields: I guess I would ask by, at least to make a recommendation to the Board, we would have to see, can we come up with a gradation like Ms. Kirkman had said? Where is the biggest problem and how can we distinguish between the lands that are critically in need of protection versus the lands that have relatively less impact?

Ms. Kirkman: And, Mr. Chair, I'm sure the Ches Bay Foundation would be more than happy to... I'm sure they must have some resources about how to do that.

Mrs. Forestier: There are numbers of different critical resource maps out there that are different from each other. GWRC had one recently and the State also had one for a, I can't remember, it was a special project that they were trying to get funds for. Aquia Creek was one of the areas. So I can look into that.

Ms. Kirkman: Look what's out there and then just (inaudible) is there some rational way for assigning what gets additional protection and what doesn't need it.

Mrs. Forestier: Okay. I can try and work on that. Just in general, for a general overlay like the former Potomac River Overlay District trying to see which areas might need it the most.

Mr. Howard: Yes.

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Mrs. Forestier: That's the direction for next... okay.

Ms. Kirkman: I would suggest we didn't have very much success using the overlay approach and that what we need is something that's built into the code but has criteria that distinguishes from different parts of the County.

Mrs. Forestier: We could use the Chesapeake Bay Acts for other lands if we chose to. The only comment on that lately is that there was a court case in which they decided that the state code didn't allow for variable width buffers, so you couldn't just say intermittent stream twenty-five foot; you had to have a hundred foot buffer on it. So if we added intermittent stream, it would have to be a hundred foot buffer under the Ches Bay Act.

Mr. Howard: Okay, thanks. Next, actually three items were deferred to... well, two items were deferred to the 15th and then one to the October meeting. Mr. Stepowany, did you want to approach us?

5. *Reservoir Protection Overlay District (Deferred to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010)*

Mr. Stepowany: I was going to talk about item number 5.

Mr. Howard: Okay, go ahead.

Mr. Stepowany: Sorry. Just real briefly, almost a year ago from tonight, the way tonight's running, the Planning Commission held a public hearing on the Reservoir Protection Overlay. The Planning Commission recommended denial for it but asked the Board to make reconsiderations and further considerations on public input. In January, the Planning Commission made a request that you were comfortable with all the modifications to request funding for the public hearing for \$13,000 plus to conduct a public hearing of the revised ordinance. The direction that the Board gave the Planning Commission was to hold off on any future discussions of this Ordinance until after the Comprehensive Plan was complete. The desire of the Planning Commission was to bring it back just before the Comprehensive Plan was to go to public hearing to get an update and to get direction. In that time, that was since January to today, there's been some other changes as like what Mrs. Forestier was talking about with the Potomac River Overlay being repealed and possible new direction of that, and as we explained in the memo, the Comprehensive Plan that is proposed to be adopted does not have a recommendation to complete the Reservoir Protection Overlay District, that staff recommends that the Planning Commission wait until after the Comprehensive Plan is adopted, whether it's adopted as in the form now or other directions are given, plus take into consideration of the conversation you just had with Mrs. Forestier of dealing with more of a general watershed protection because the reservoirs are dealing with watersheds and it might be in the same principle or same kind of plan as what she's working on. And to see if that's the direction that the Board wants to continue with this proposed Ordinance. And that's basically what staff is asking is would the Commission desire just to hold off a little bit longer on this until the Comprehensive Plan is approved and then make another request to the Board asking for direction.

Mr. Howard: So, Jamie, have you done any research in other localities where the protection of the reservoirs is also part of the watershed management plan?

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Mr. Stepowany: That has not been looked into, no.

Mr. Howard: Okay.

Mr. Stepowany: I have not literally looked into anything with this until preparing this memo because it's been put on the back burner since January. But if that's what the Planning Commission wishes, we can look into that also and bring that information back.

Mr. Howard: Well, it certainly makes sense to have some element of this in the Comprehensive Plan. But I know that that's not going to occur but we can amend the Plan to include it. I'll bring it back to the Commission for discussion and see if anyone has any thoughts on whether this would be part of that.

Ms. Kirkman: Yes, Mr. Chair, I would recommend that if we don't have a policy regarding this in the Comprehensive Plan, we should add it now rather than amending the Comprehensive Plan later.

Mr. Howard: Well, the question is also, Ms. Kirkman, is would this fall under something like a watershed management plan which would include really the reservoirs and also the overlays that we just were discussing.

Ms. Kirkman: I think we could have a policy in the Comprehensive Plan that just simply addresses the need to develop reservoir protection without specifying whether it's an ordinance or part of a watershed plan. I mean, that's what the Implementation Plan for the Comprehensive Plan is about. So, what I'm suggesting is that since one potential obstacle that's been cited by staff is there's nothing in the Comprehensive Plan regarding this, that rather than amending the Comprehensive Plan later, while we still have it in front of us in draft form we should have something in there about reservoir protection. And it doesn't have to specify what form that something will take.

Mr. Howard: Right. That's a good point. Staff is actually recommending that this be harmonized with the Potomac River Overlay and also the Rappahannock Protection, right? Is that your recommendation?

Mr. Stepowany: Yes, in the sense that whatever direction that the Planning Commission asks Mrs. Forestier to go about what the Potomac River and the Rappahannock River Overlay, that we use the same mechanism, whether or not you want to call that plan Overlay tactic for this or it can stay as it's proposed. Actually what we're asking for is for the Planning Commission to request better direction from the Board as a result of these...

Mr. Howard: Right, so why don't we just send a note to the Board asking for clarification on direction specifically on the Reservoir Protection Overlay.

Mr. Stepowany: Right, because that hasn't been asked for about a year.

Mr. Howard: Right. And the options would be included as it exists in the Comprehensive Plan or include wording in the Comprehensive Plan that refers to either the water management plan or this particular Reservoir Protection Overlay, which is not written but will be at a future date. Or whatever else they decide, to hold it and add it as an amendment after the Plan is actually passed. Thoughts on that?

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Ms. Kirkman: Yes, Mr. Chair, I actually don't think that's an accurate characterization because there's a difference between the Comprehensive Plan and the objectives in the policies of the Comprehensive Plan and this actual ordinance that we have in front of us. So, I think we need to treat those as two separate issues; one is whether or not we think protecting the reservoirs are important and there should be a policy in the Comprehensive Plan about that, and we don't need Board direction around that. That's something we can decide ourselves since, in theory at least, we're preparing the draft of the Comprehensive Plan. As to the ordinance itself, the Planning Commission made a good faith recommendation of denial last fall and then, at the Board's direction, worked very hard to revise the document, the ordinance, to address the reasonable concerns that were raised by citizens during the public hearing process. And that's the point at which the Board stopped the whole process by refusing to fund the public notice for the ordinance. And so I don't think there's any additional work that's needed on this; it's simply a matter of whether or not the Board wants to see it go to public hearing. And I think they've already made pretty clear that they don't want it to do that.

Mr. Howard: Yeah, I'm not sure anyway; I'll go back to the three points so we can talk through that. We absolutely can make a recommendation to have wording in the Comprehensive Plan as the Planning Commission to be included that protects the reservoirs in the County. So, we can do that; that's easy to do. In terms of making a recommendation that this Plan be adopted, I would think we would want to get some direction from the Board of Supervisors on that recognizing that there was a lot of work done on this, a lot of public meetings, there was a lot of money spent and invested into this already. And again I don't think it was done with the intent not to protect the reservoirs; I'm positive it was not. So, I think it was done because we had so many other things on our plate, not that this is not important, it's very important. So, again, I bring it back to the will of the Commission. Do you want to ask staff to come up with a very quick section that we would add to the Comprehensive Plan that speaks to the need and the necessity as a county to protect the reservoirs in our County and then we tackle this protection piece separately, like we will have to do with other ordinances once the Plan is adopted. Any comments, discussions, thoughts?

Mr. Fields: I'd like to see a goal of objectives, etcetera, put into the Comp Plan and then I would like to reiterate our request to the Board just explaining and reminding them that we have, I think, the most well thought out and well vetted document that we've come up with at least in a long time. And ask them again... can we take this to public hearing? I think we all felt very strongly that it was a good strong document, that it had a really balanced and fair approach to preserving and protecting the reservoirs. That would be my two-point recommendation. Let's ask staff to put a phrase in the Comp Plan and ask the Board again, you know, can we go ahead and take this to public hearing. And if not, why? I mean, ask them if we can't do it now, when can we do it or do they just want to go ahead and say start completely all over again. We need to go ahead and dispose of this thing because it's just sitting there ready to go really. And we need to reiterate and ask Board direction again. Is there any intent to proceed with this or do we just put it on the shelf and start over again with something different?

Mr. Howard: Thank you. Any other thoughts?

Mr. Rhodes: Nope, concur.

Mr. Howard: Alright, does anyone want to make a...

Mr. Fields: I'll make what I just said into a motion.

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Mr. Howard: Alright.

Mr. Fields: Is that what you want?

Mr. Howard: Well, I think we should make a motion to add the... to do it separately, yeah... the Reservoir Protection goals into the Comprehensive Plan which is going to require staff to do some work on that. And then have a separate motion...

Ms. Kirkman: Mr. Zuraf conveniently left. But I'm sure Mr. Harvey can convey that to him.

Mr. Harvey: Yes, Mr. Chairman. We will add another objective, probably a 3.1.0, to discuss implementing the Reservoir Protection Ordinance.

Mr. Fields: A great deal of the language is already in that Ordinance anyway. So I make the motion to request staff to add a portion to the Comprehensive Plan addressing the need to protect our reservoirs.

Ms. Kirkman: Second.

Mr. Howard: Any discussion? All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Those opposed say nay. The motion passes 7-0. Okay, Mr. Fields?

Mr. Fields: I'd like to make a motion to request that the Chair communicate to the Board again guidance on the existing Reservoir Protection Overlay as we had last left it and asking them do they want us at some point in the hopefully very near future to proceed with moving that to public hearing or are we to just simply start all over again. Just clarification. Is it time to move on or is this still a living document?

Mr. Howard: Is there a second?

Mr. Rhodes: Second for purpose of comment.

Mr. Howard: Okay, discussion.

Mr. Rhodes: I might suggest even more straightforward, we were asked in January to hold off until we got to the Comp Plan. We are now still working through issues but we picked a date; we picked an

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arbitrary August and September date just thinking we would be around there. And I think we just go straightforward and say we would like the resources to go forward for public hearing. Just very direct.

Mr. Fields: Okay, I'm fine with that.

Mr. Howard: A friendly amendment that a note from the Planning Commission to the Board of Supervisors directed to the Chairman that we would like permission to I guess I'll say resurrect the Reservoir Protection Overlay, move it forward for public hearing.

Mr. Fields: Yep.

Ms. Kirkman: Yep.

Mr. Howard: And that was seconded. Any other discussion? Hearing none I'll call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay. The motion carries 7-0.

Mr. Stepowany: Thank you Mr. Chairman, thank you Planning Commission.

Mr. Howard: Okay, Mr. Harvey, do you have a Planning Director's Report?

PUBLIC HEARINGS

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, I have no report tonight.

Mr. Howard: That's unbelievable. Mr. Smith?

COUNTY ATTORNEY'S REPORT

Mr. Smith: No report Mr. Chairman.

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Mr. Howard: Thank you. The Committee Reports I think we heard enough from Mr. Zuraf about the committee from Saturday. Chairman's Report; I did hear, Mr. Fields, that you will not be participating in that committee anymore

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Fields: That is correct.

Mr. Howard: Okay; so I don't think I knew that. We will work to... I'm not sure we will meet again. I would think there could be a need for another meeting. We can ask for a volunteer I suppose.

Mr. Harvey: And Mr. Chairman, I know that there's been some staff discussion about the UDA Consultant and it's interaction with the Planning Commission and Board and, from a staff perspective, we were wondering whether we wanted to have the UDA Consultant deal directly with the Planning Commission as a whole and with the Board as a whole, or is this Joint Committee going to be a standing Joint Committee that can address the UDA Consultant's work?

Mr. Howard: That's a good question. I don't think individually would benefit anyone, right, so it's either as a whole for both or... I think even if we did the committee, we would still want to make the person available at least once to the Planning Commission, you know, so they can understand the methodology of how the person looked at things and just get a better perspective of it. But I will defer to the will. I mean, those are my thoughts.

Mr. Fields: I guess it all depends on exactly what the consultant needs from us but I think working as a committee as a whole, unless that becomes unwieldy, would be my preference. If it becomes unwieldy for all of us to do that then maybe we could split it off. But I would hope that maybe we could work together, all seven of us at one time. It seems to me, for something like this, it's probably more efficient because when you have a committee then you have to bring the work of the committee back to the whole anyway.

Mr. Howard: Right.

Mr. Fields: And also I assume that the consultant, since they're being hired, they have an X number of hours that they're working through their contract on...

Mr. Howard: Yeah, and we don't want to go over that.

Mr. Fields: You know, if they have to do committee and full Planning Commission, that's two bites rather than one.

Mr. Howard: Right. Any other comments from members? So I would say at this point as a whole, Mr. Harvey.

Mr. Harvey: Thank you.

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Mr. Howard: Okay. Okay, does anyone want to move for approval of the minutes? Are there any minutes in our package? There were no minutes, okay. That's unbelievable.

Mr. Rhodes: I jinxed her.

Mr. Howard: The meeting is adjourned, thank you.

OTHER BUSINESS

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:51 p.m.

Gordon Howard, Chairman
Planning Commission